



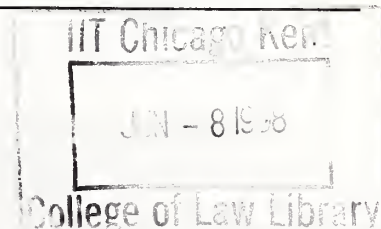
1998

Illinois Register

Rules of Governmental Agencies

Volume 22, Issue 23—June 05, 1998

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April 17, 1998 - Issue 16: Through	March 31, 1998
July 17, 1998 - Issue 29: Through	June 30, 1998
October 16, 1998 - Issue 42: Through	September 30, 1998
January 15, 1999 - Issue 3: Through	December 31, 1998 (Annual)

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June 23, 1998	27	July 6, 1998*	Dec. 29, 1998	2	Jan. 8, 1999

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

* Monday

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June 1998 - 730 - GA-1073

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Insurance for Certificated Employees

- 2) Code Citation: 23 Ill. Adm. Code 56

- 3) Section Numbers: Proposed Action:

Section 56.10 New Section
 Section 56.20 New Section
 Section 56.30 New Section
 Section 56.40 New Section
 Section 56.50 New Section
 Section 56.60 New Section
 Section 56.70 New Section
 Section 56.80 New Section
 Section 56.90 New Section
 Section 56.100 New Section
 Section 56.110 New Section
 Section 56.120 New Section

- 4) Statutory Authority: 105 ILCS 5/2-3.124

- 5) A Complete Description of the Subjects and Issues Involved: These rules respond to P.A. 90-548, effective January 1, 1998, which added Section 2-3.124 to the School Code. This new law requires the State Board of Education to provide, or arrange to have provided, liability coverage for each paid certificated person employed by an educational board (primarily school boards), beginning with the 1998-99 school year. The coverage is to be provided at no cost to the certificated employee.

The rules, drafted with input from the risk management staff of the Department of Central Management Services, provide for:

coverage to be provided through a contractor identified through a Request for Proposals process;

inclusion of civil liability and criminal-related coverage, including assault-related personal property damage;

establishment of limits of coverage, as outlined in Section 2-3.124 of the School Code;

recognition of coverage provided pursuant to Section 2-3.124 as supplemental; and

notification by the State Board of Education to all educational boards of the availability of the coverage, with boards, in turn, notifying their certificated employees.

- 6) Will this proposed rule replace an emergency rule currently in effect? Yes

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed amendment contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Sally Vogl
 Agency Rules Coordinator
 Illinois State Board of Education
 100 North First Street
 Springfield, Illinois 62777
 (217) 782-3950

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The text of the proposed rules is identical to that of the emergency rules in this issue of the Illinois Register found at page 9580.

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NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision

2) Code Citation: 23 Ill. Adm. Code 1

3) Section Numbers: Proposed Action:

1.10	Amendment
1.20	Amendment
1.30	Amendment
1.40	Repeal
1.50	Amendment
1.60	Repeal
1.70	Repeal
1.80	Amendment
1.85	New Section
1.90	Amendment
1.100	Amendment
1.420	Amendment
1. Appendix D	Amendment
1. Appendix E	Repeal
1. Appendix F	Repeal
1. Appendix G	Repeal

4) Statutory Authority: 105 ILCS 5/2-3.6

5) A Complete Description of the Subjects and Issues Involved: This set of amendments serves two major purposes. First, it puts in place several policy decisions made by the State Board in recent months with regard to the accountability framework for public schools, including provisions governing quality review and placement of schools on the Academic Early Warning List. These changes are found throughout Subpart A, which has been substantially reorganized to convey as concisely as possible the requirements that continue to apply in conjunction with those that are new. Appendix D is being revised to set forth the revised State Goal for Learning adopted by the Board. In addition, Appendices E, F, and G are being repealed in their entirety because they pertained to the previous system of evaluating student performance and school improvement.

Second, these amendments respond to recent legislation by removing discrepancies and conforming the rules to current law. This group of changes includes the following:

- Section 1.420(f) and (g) is being amended to correspond to new Section 18-8.05 of the School Code, added by P.A. 90-548 and taking effect July 1, 1998. In the process, material in the current rule that is merely a repetition of statutory language is being deleted, so that the rule will contain only cross-references to explicit legal requirements and statements of the agency's standards to be applied

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when the law is not explicit.

- Section 1.420(p) is being changed to reflect an amendment made in Section 27-5 of the School Code by P.A. 89-618, effective August 9, 1996, allowing incorporation of health education into physical education courses in grades 5 through 10 (previously only grades 9 and 10).

- Section 1.420(r) is being amended to reflect current use of the term "social sciences" instead of "social studies".

The changes proposed in Section 1.100 (Waiver and Modification of State Board Rules and School Code Mandates) are not the result of legislative action. These are changes that have been recommended as necessary by the staff responsible for implementing the waiver process.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this rulemaking contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.

- 9) Are there any other proposed rulemakings pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a State mandate.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield IL 62777
(217) 782-3950

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance:
None

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NOTICE OF PROPOSED AMENDMENT

- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 1998
(Some provisions, January 1997)

The full text of the Proposed Amendment begins on the next page:

STATE BOARD OF EDUCATION
NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1
PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: SCHOOL RECOGNITION REQUIREMENTS ACRREDITATION

Section	
1.10	Public School Accountability Framework Definitions
1.20	Operational Requirements the School Accreditation Process
1.30	Quality Assurance Reviews Development-of-School-Improvement-Plans
1.40	Student Performance and School Improvement Requirements (Repealed)
1.50	State Assessment
1.60	Operational Compliance (Repealed)
1.70	Effective Dates of Accreditation (Repealed)
1.80	Academic Early Warning and Watch Lists First
1.85	Revisions to School Improvement Plans
1.90	System of Rewards and Recognition
1.100	Waiver and Modification of State Board Rules and School Code Mandates

SUBPART B: SCHOOL GOVERNANCE

Section	
1.210	Powers and Duties
1.220	Duties of Superintendent
1.230	Board of Education and the School Code
1.240	Equal Opportunities for all Students
1.245	Waiver of School Fees
1.250	District to Comply with 23 Ill. Adm. Code 170 and 180
1.260	Commemorative Holidays to be Observed by Public Schools
1.270	Book and Material Selection
1.280	Discipline
1.290	Absenteeism and Truancy Policies

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section	
1.310	Administrative Responsibilities
1.320	Duties
1.330	Hazardous Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section	
1.410	Determination of the Instructional Program

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1.420 Basic Standards
 1.430 Additional Criteria for Elementary Schools
 1.440 Additional Criteria for High Schools
 1.445 Required Course Substitute
 1.450 Special Programs
 1.460 Credit Earned Through Proficiency Examinations
 1.462 Uniform Annual Consumer Education Proficiency Test
 1.465 Ethnic School Foreign Language Credit and Program Approval
 1.470 Adult and Continuing Education
 1.480 Correctional Institution Educational Programs

SUBPART E: SUPPORT SERVICES

Section
 1.510 Transportation
 1.520 School Food Services
 1.530 Health Services
 1.540 Pupil Personnel Services (Repealed)

SUBPART F: STAFF CERTIFICATION REQUIREMENTS

Section
 1.610 Public School Districts
 1.620 Accreditation of Staff
 1.630 Noncertificated Personnel
 1.640 Requirements for Different Certificates
 1.650 Transcripts of Credits
 1.660 Records of Professional Personnel

SUBPART G: STAFF QUALIFICATIONS

Section
 1.705 Minimum Requirements for Teachers
 1.710 Minimum Requirements for Elementary Teachers
 1.720 Minimum Requirements for Teachers of Middle Grades
 1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades Six (6) and Above
 1.735 Requirements to Take Effect on July 1, 1991
 1.736 Requirements to Take Effect on July 1, 1994
 1.740 Standards for Reading
 1.750 Standards for Media Services
 1.760 Standards for Pupil Personnel Services
 1.770 Standards for Special Education Personnel
 1.780 Standards for Teachers in Bilingual Education Programs
 1.781 Requirements for Bilingual Education Teachers in Grades K-12
 1.782 Requirements for Teachers of English as a Second Language in Grades K-12
 1.790 Substitute Teacher

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APPENDIX A Professional Staff Certification
 APPENDIX B Certification Quick Reference Chart
 APPENDIX C Glossary Of Terms
 APPENDIX D State Goals for Learning
 APPENDIX E Evaluation Criteria - Student Performance and School Improvement Determination (Repealed)
 APPENDIX F Criteria for Determination - Student Performance and School Improvement (Repealed)
 APPENDIX G Criteria for Determination - State Assessment (Repealed)

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.43, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, and 27-23.3 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.25, 2-3.25g, 2-3.43, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3, and 2-3.6].

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at 15 Ill. Reg. 2692, effective February 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; expedited correction at 17 Ill. Reg. 3553, effective November 17, 1992; amended at 18 Ill. Reg. 1171, effective January 10, 1994; emergency amendment at 19 Ill. Reg. 5137, effective March 17, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6530, effective May 1, 1995; amended at 19 Ill. Reg. 11813, effective August 4, 1995; amended at 20 Ill. Reg. 6255, effective April 17, 1996; amended at 20 Ill. Reg. 15290, effective November 18, 1996; amended at 22 Ill. Reg. _____, effective _____.

SUBPART A: SCHOOL RECOGNITION REQUIREMENTS AGREEMENT

Section 1.10 Public School Accountability Framework Definitions

Section 27-1 of the School Code [105 ILCS 5/27-1] establishes the primary purpose of schooling as the transmission of knowledge and culture in certain fundamental learning areas and requires the State Board of Education to define the knowledge and skills which the State expects students to master. These "State Goals for Learning" are set forth in Appendix D to this Part and amplified by the "Illinois Learning Standards" (1997) published by the Illinois State Board of Education, 100 North First Street, Springfield, Illinois 62777-0001. (No later amendments to or editions of these documents are incorporated by this rule.) Further, Section 2-3.25 of the School Code [105 ILCS 5/2-3.25] requires that the State Board of Education establish general operational recognition standards for public schools, and Section 2-3.25a of

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the School Code [105 ILCS 5/2-3.25a] requires that the Board develop recognition standards for student performance and school improvement.

a) Each school district shall ensure that each school makes available to all students instruction in the six fundamental learning areas, i.e., the language arts, mathematics, the biological, physical, and social sciences, the fine arts, and physical development and health. Each school district shall also ensure that a continuous school improvement process that includes all State Goals for Learning is carried out by each school in the district.

b) Each school district is required to establish local learning objectives that are consistent with the primary purpose of schooling, assessment systems for measuring students' progress in the fundamental learning areas, reporting systems for informing the community and the State of assessment results, and plans for improvement, all of which are subject to approval by the State Board of Education (Sections 2-3.63 and 27-1 of the School Code [105 ILCS 5/2-3.63 and 27-1]).

1) Local learning objectives will be approved if they:

A) are consistent with the primary purpose of schooling as defined in Section 27-1 of the School Code; and
B) when taken together, are at least as comprehensive as the State Goals for Learning and the Illinois Learning Standards.

2) Assessment systems will be approved if they:

A) are designed to yield information about the extent to which all students in at least the grade levels chosen by the district pursuant to Section 2-3.63 of the School Code are achieving in the fundamental learning areas;

B) include reasonable accommodations or alternative tests or procedures for students with disabilities or limited English proficiency.

3) Reporting systems will be approved if they include presentation and interpretation of student achievement information:

A) at regular school board meetings;

B) in newspapers of general circulation and other news media serving the area in which the school district is located; and

C) in communications with parents of the district's pupils, which shall take into account the needs of parents with limited English proficiency.

4) School improvement plans will be approved if they contain:

A) demographic information about students and information about attendance, truancy, mobility, retention, and expulsion rates and, for high schools, graduation and dropout rates;

B) information about the extent to which all students in the grade levels chosen by the district pursuant to Section 2-3.63 of the School Code are achieving in the fundamental learning area;

C) information on the school's State assessment results;

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D) an analysis, based on State and local assessment data and other available information, of factors which may be contributing to any areas of underachievement by students;

E) identification of measurable goals for improving the schools' programs and student performance in at least the areas of deficiency noted, including:

i) specific, measurable steps to be taken;
ii) a timeline for these activities; and
iii) a budget for these activities;

F) professional development activities for at least the staff providing services in the academic areas in which the school's performance has been deficient, which activities must also be reflected in the district's staff development plan required pursuant to Section 2-3.59 of the School Code [105 ILCS 5/2-3.59]; and

G) a process for monitoring progress and revising the plan as needed.

The following definitions apply to the accreditation system described in this Subpart A:

Accreditation--Status: Statements--as to the operational compliance, student performance and school improvement, and if applicable, state assessment determinations--for a school made in accordance with this Subpart A.

Benchmark Grade: A grade designed by a school district--as one--in which students' performance relative to one or more learning outcomes will be assessed as identified in the School Improvement Plan for each school.

Expectation: An estimate of the percent of students in a school who will meet the defined standard for a learning outcome.

Educational Indicator: A statistic that tells something about the performance of a school. For a statistic to be an indicator, there must be a standard against which it can be judged. Indicators must meet certain substantive and technical standards that define the kind of information they should provide and the features they should measure. The primary educational indicators are those which quantify or describe student performance, other important indicators include attendance, graduation, mobility, truancy and dropout rates.

Learning Outcome: A statement of what students should know and be able to do in order to demonstrate achievement of a State Goal for learning or portion thereof. A learning outcome addresses the content of one or more State Goals for learning, is broader in focus than a learning objective, probes the range and depth of thinking skills appropriate to the State Goal for learning, is amenable to

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assessment;--may-integrate-fundamental-learning-areas;--and-may-reflect problems-and-tasks-found-outside-the-classroom;

Quality---Reviews---The---school---visitation---process---in---which representatives-of---the---State---Board-of---Education-asertain-and/or verify-information-regarding-a-school;

Reliability---Consistency-or-stability-of-assessment-results;

Schools---An-attendance-center-within-a-district--as--defined--by--the board-of-education-for-the-district;

School-Accreditation-Process---The-system-described-in-this-Support-A by-which-the-State-Board-of-Education-evaluates-schools;

School-Improvement---Systematic-changes-in-the-educational-programs-of a-school-which-bring-about-improved-academic-achievement-over-time--as evidenced-by-data;

School-Improvement-Plan---A-document-applicable-to-a-specified--school as-set-forth-in-Section-17-30-of-this-Part;

Standard--for--a-Bearing-Outcome---The-criteria-by-which-students-are determined-to-have--attained--a-specified--level--of--proficiency--in relation--to--a-learning-outcome--as-measured-by-the-assessment(s)---A standard--is--derived--from--two--activities---identification--of--the assessment-instruments--and--procedures--used--to--measure--students' learning-related-to-a-learning-outcome--and--identification--of--the minimum-scores--required--to--evidence--successful--achievement--of--the learning-outcome---Until-October-1,--1995,--standards--for--learning objectives-developed-pursuant-to-the-requirements-of-23-III--Adm-Code 210--(Bearing-Assessment--and-School-Improvement-Plans)--may--be substituted-for-standards-for-learning-outcomes--as--a-transitional measure;

State-Goals-for-learning---Statements-of-what-students-should-know-and be-able-to-do-in-each-of-the-fundamental-learning-areas-as-a-result-of their-schooling---(See-Appendix-B);

Student---A-pupil-enrolled-in-a-district-and-assigned-to-an-attendance center;

Student-Performance---The-achievement--of--students--relative-to-the standards-established-for-that-school-and-those-students;

Validity---The-extent-to-which-an-assessment-method-produces-accurate meaningful--and-useful-measures-of-the-skills--and--knowledge--it--was designed-to-assess;

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(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1.20 Operational Requirements ~~The School Accreditation Process~~

a) Districts' and schools' recognition status is based upon compliance with the requirements imposed by law, including but not limited to the recognition standards established by the State Board of Education pursuant to Section 2-3.25 of the School Code and this Part, as modified or waived, if applicable, pursuant to Section 2-3.25g of the School Code and Section 1.100 of this Part.

1) No later than September 30 of each year, each school district shall apply for recognition of each school operated by the district. This application shall be submitted to the respective regional superintendent of schools on a form supplied by the State Board of Education, except that a district operated pursuant to Article 34 of the School Code [105 ILCS 5/34] shall submit its application directly to the State Board.

2) No later than October 15 of each year, each regional superintendent of schools shall summarize, on a form supplied by the State Board of Education, the degree to which the schools in the districts for which he or she is responsible adhere to operational compliance requirements. The regional superintendent shall recommend the assignment of recognition status as applicable considering the compliance-related information supplied.

3) As part of this process, the regional superintendent of schools shall periodically visit the region's school districts as he or she may deem necessary to ascertain the degree to which the district's schools comply with operational requirements.

b) Based upon the information provided by the district and the regional superintendent, the State Board shall prepare a certificate of recognition status for each school and for each district as a whole and shall provide these certificates to all districts. In each case, the recognition status assigned shall be either "Fully Recognized", "Recognized Pending Further Review", "On Probation", or "Nonrecognized".

1) Each school district or attendance center which meets the requirements imposed by law, including the requirements established by the State Board pursuant to Section 2-3.25 of the School Code and this Part, shall be fully recognized.

2) A school or district shall be recognized pending further review if it exhibits areas of noncompliance which:

A) are not serious enough to warrant probation as delineated in subsection (b)(3) of this Section; and

B) will be corrected during the school year immediately following their identification.

3) A school district or attendance center shall be placed on

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probation if it:

- A) exhibits deficiencies that present a health hazard or a danger to students or staff;
- B) fails to offer required coursework;
- C) employs personnel who lack the required qualifications and who are not in the process of attaining such qualifications;
- D) fails or refuses to serve students according to relevant legal and/or regulatory requirements; and/or
- E) prolongs or repeats instances of noncompliance to a degree that indicates an intention not to comply with relevant requirements.

c) A school district with one or more schools on probation shall be required to submit a time-specific plan for the correction of the cited deficiencies to the regional superintendent of school and to the State Superintendent of Education.

d) A school or district which fails to correct cited deficiencies within the time set forth in its plan shall be nonrecognized and shall be ineligible to file any claim upon the common school fund or collect tuition from another school district.

e) The superintendent of a district in which one or more schools are not fully recognized may, within 30 days after notification to this effect, request a conference at which representatives of the district will have an opportunity to discuss compliance issues with representatives of the State Board of Education. If within the 30-day period the superintendent does not request a conference, the determination shall stand.

1) If a conference is requested by a superintendent on behalf of a nonrecognized school and the areas of concern are not resolved, the school board may submit an appeal by adopted board resolution. The appeal must identify the specific findings with which the district disagrees.

2) The district will be given a hearing in accordance with the State Board's rules for Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475), and a final decision will be made by the State Board of Education.

f) A district may at any time request that the regional superintendent of schools reevaluate a school that is recognized pending further review or on probation in order to verify improvements in the cited area(s) of noncompliance, so that the district's or school's status may be changed accordingly.

a) Accreditation-Process-as-described-in-this-Subpart-A-whereby-evidence is-provided-for-each-of-its-schools-as-to-operational-compliance meeting-student-performance-and-school-improvement-standards-and-if applicable-participation-in-the-state-assessment.

b) Each-school-district-shall-submit-an-application-for-accreditation-for each-of-its-schools-by-October-1-of-each-year-in-the-form-designated by-the-State-Board-of-Education-At-the-times-and-in-the-forms

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determined-by-the-State-Board-additional-information-may-also-be required-concerning-the-district's-school(s)-or-the-school(s)-may-be visited-to-ascertain-the-appropriate-accreditation-status-for-the school(s)-or-to-review-a-previously-assigned-accreditation-status. Except-as-provided-in-Section-190-of-this-Part-each-school-shall receive-a-Quality-Review-visit-at-least-once-every-five-school-years to-verify-or-determine-the-extent-to-which-it-is-meeting-student performance-and-school-improvement-standards.

e) The-determination-as-to-operational-compliance-is-based-upon-the requirements-imposed-by-the-State-Board-of-Education-pursuant-to Section-2-3-25-of-the-School-Code-(Ill. Rev. Stat.:1991-eh.427-par. 2-3-25)-(105-BES-5/2-3-25)-and-this-Part.

d) The-determination-as-to-meeting-student-performance-and-school improvement-standards-is-based-upon-evaluation-of-the-educational indicators-learning-outcomes-and-the-standards-applicable-to-the learning-outcomes-expectations-and-data-collection-and-validation procedures-identified-in-the-School-Improvement-Plan-as-required-by Sections-190-and-140-of-this-Part-The-evaluation-and-scoring criteria-for-this-determination-are-set-forth-in-Appendix-B-and-P-to this-Part.

e) The-determination-as-to-meeting-state-assessment-standards-is-based upon-the-state-assessment-results-exhibited-by-the-students-in-that school-(See-Section-150-of-this-Part)-The-criteria-for-this determination-are-set-forth-in-Appendix-G-to-this-Part.

f) The-determinations-regarding-operational-compliance-student performance-and-school-improvement-and-if-applicable-state assessment-comprise-the-accreditation-status-for-a-school-For schools-in-which-no-students-are-required-to-participate-in-the-state assessment-an-accreditation-status-will-be-determined-by-the-degree to-which-that-school-meets-operational-compliance-requirements-and student-performance-and-school-improvement-standards.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1.30 Quality Assurance Reviews Development of School Improvement Plans

a) Internal Quality Assurance Review

School districts shall ensure that an internal quality assurance review is conducted annually at each school not subject to external review in that year pursuant to subsection (b) of this Section and, no later than August 31 of each year, shall notify the regional superintendent of schools in writing that internal review has occurred for the preceding school year. The regional superintendent shall notify the State Superintendent of any districts failing to comply with this requirement. This review shall be designed to:

- 1) ascertain the success of the school's programs in terms of student performance and progress with respect to the State Goals

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for Learning, the Illinois Learning Standards, and local learning objectives;

- 2) identify areas in which improvement is needed;
- 3) plan for the implementation of the changes identified as appropriate; and
- 4) yield a written school improvement plan or revisions thereto.

b) External Quality Assurance Review

- 1) External quality assurance review shall be conducted in accordance with the following schedule:

- A) Each school that has been placed on either the Academic Early Warning List or the Academic Watch List shall undergo external quality review every second year.
- B) Each school in which at least 50% but fewer than 67% of State assessment scores meet State standards shall undergo external quality review every third year.
- C) Among the schools that are not exempt pursuant to subsection (b)(1)(D) of this section but in which at least 67% of State assessment scores meet State standards, 75 schools shall be chosen by lottery each year to undergo external quality review. Once a review of such a school has been completed, the school shall be placed back into the pool after four years.

- D) Schools that exceed State standards or are in the top 15 percent of those meeting State standards are exempt from external quality review under the circumstances set forth in Section 2-3.25k of the School Code [105 ILCS 5/2-3.25k].

The external quality assurance review shall be conducted by a team designated by the State Superintendent of Education.

- 3) The external review shall consist of all the following components, which shall be designed to gather information to be reviewed in the context of the school's school improvement plan:

- A) Classroom observation;
- B) A review of samples of students' work (e.g., written products, exhibits, portfolios);
- C) a review of assessment systems;
- D) a review of curriculum design and alignment with the school's mission and instructional strategies and the Illinois Learning Standards;
- E) interviews with staff, students, and community members;
- F) a review of school records and descriptive data about administration and students' performance; and
- G) an exit conference with school staff, at which impressions and information gathered during the review are discussed.

c) Report of External Review Team

Within 45 days after the conclusion of each review visit, the review team shall submit a written report to the superintendent or chief executive officer of the school district, the principal of the school, and, where applicable, the president of the school's Local School

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Council. This report shall set forth the review team's assessment of the school's instructional strategies and learning processes, the students' learning and progress, and factors that contribute to how the school functions. The report shall offer observations and questions for school staff to consider in order to promote improved student learning.

d) Response to Report

Within 60 days after receipt of the review team's report, the principal and school district superintendent shall respond to the State Board of Education, on a form supplied by the State Board, regarding the steps to be taken at the school in response to the team's recommendations.

- 1) Each school's response shall address each significant point raised in the review team's report. If a school disagrees with a conclusion of the review team, the school shall provide its own analysis of the situation or problem.
- 2) Each school shall describe any actions its staff and/or staff of the school district will take to promote improvement in the areas addressed by the review team and shall provide a budget for the implementation of those activities.
- 3) Receipt of a school's response in conformance with subsections (d)(1) and (d)(2) of this section shall, contingent upon appropriation, entitle the school to grant funds for use in implementing one or more of the specific school improvement initiatives discussed in the school's response.
- 4) Recipients of the grant funds referred to in subsection (d)(3) of this section shall submit expenditure reports on forms supplied by the State Board of Education.

School districts shall ensure that each school makes available to all students instruction in the six fundamental learning areas (Language Arts, Mathematics, Biological and Physical Sciences, Social Sciences, Fine Arts, and Physical Development and Health) as set forth in Section 27-1 of the School Code. Each school district shall ensure that a continuous school improvement process that includes all State Goals for Learning is implemented for each school in the district. School improvement activities for each year must be implemented based on the percentage of students who did not meet state or local standards for the school in the previous year. For each of its schools, the district shall describe the improvement process and report data about the school in a document known as the School Improvement Plan as set forth herein.

- a) Each school district is accountable for ensuring that each student for which its schools are responsible is provided an instructional program and corresponding curriculum that comprehensively address all the State Goals for Learning. Each school district shall identify at least two grade levels among grades 1-8 and one grade among grades 9-12 as a benchmark for each fundamental learning area for which the requirements are detailed in subsection (d) below, which be met and documented in a school improvement plan. In addition:
- i) For schools which do not offer the grades selected as district

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benchmark grades, districts shall identify substitute grades so that the requirements detailed in subsection (d) below are met and documented in a School Improvement Plan for at least one grade in every school.

- 2) Where grade levels are not used to demarcate educational progress in a school, students' performance shall be assessed with respect to all standards for each learning outcome at least once during the period of student attendance if the attendance center serves students for six or fewer school years and at least twice during the period of student attendance if the attendance center serves students for seven or more school years.

b) Districts may identify different benchmark grades for different learning outcomes within a fundamental learning area, provided that a rationale for doing so is included in the School Improvement Plan.

e) There shall be prepared for each school a written School Improvement Plan conforming to the requirements of subsection (d) below by June 30, 1994. Districts shall ensure that each School Improvement Plan is reviewed and updated at least annually, subject to the following requirements:

- 1) School Improvement Plans may be revised at any time, provided that benchmark grades may only be changed as part of an annual Application for Accreditation and with the approval of the State Superintendent of Education. The rationale for the change must be included in the annual Application and in the School Improvement Plan after approval. If the rationale presented includes evidence that the change is being made for school improvement purposes, the change will be approved.

- 2) Student achievement at least at the benchmark grades must be evaluated annually to determine whether students' performance is meeting the school's standards.

- 3) The programs of instruction at the school must be evaluated annually to determine whether students are being well served by them.

- 4) Expectations must be established annually, based on student performance data.

- 5) The development of each School Improvement Plan shall include communication with the staff and community of the specified school, and each Plan shall be approved by the district board of education. All revisions to an approved Plan shall be communicated to the school staff and community and shall be reported to the district board of education at least annually.

- 6) School improvement plans for the most recent five years are to be kept in the main office of the school and shall be available to all State Board personnel, district personnel, and community members.

- 7) The development of each School Improvement Plan shall include consideration of issues of articulation. Upon request, each school shall transmit copies of its School Improvement Plan to

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the principal or chief administrative officer of each other school to or from which its students are promoted, to allow articulation of the instructional program.

- d) Each School Improvement Plan shall include for the school specified in the Plan the following elements, requirements for each of these elements are presented in Section 1.40:

- 1) An analysis of existing conditions, including demographic characteristics of the student population, accounting for all students and identifying student groups within the population (i.e., at least those who are receiving special education services or Chapter 1 services, are participating in a gifted or vocational education program, have limited English proficiency, or are of various gender, racial, social, economic or other groups which warrant description or emerge as a result of analysis of data), factors which may affect student learning, and the needs of students relating to learning outcomes as perceived by school staff.

- 2) A list of the school's learning outcomes, standards, and expectations. Until October 1, 1995, learning outcomes must be established pursuant to Section 1.40 of this Part.

- 3) A description of the assessment systems used to determine the extent to which students are achieving learning outcomes.

- 4) An analysis of the performance of students, including analyses specific to the groups identified pursuant to subsection (d)(1) above, based on the results of assessment conducted in accordance with this Subpart A.

- 5) A discussion of the extent to which students are being served and the degree of improvement in student performance in meeting standards for learning outcomes over time, including specific reference to the groups identified pursuant to subsection (d)(1) above, and of the factors that may have contributed to success and failures.

- 6) Statements of new expectations and priorities for school improvement activities based on evaluation conclusions, with emphasis on students who did not meet standards.

- 7) A description of reporting procedures which inform the public at least annually about the extent to which standards for the school relative to learning outcomes for each State Goal for bearing were met, specify new expectations for the school, and describe priorities for school improvement activities.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1.40 Student Performance and School Improvement Requirements (Repealed)

The degree to which each school meets student performance and school

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Code--210--(Learning--Assessment--and--School--Improvement--Plans)7-
Bearing--outcome--addressing--Physical--Development--and--Health--shall
be--completed--by--October--17--1994:
e) Requirements--for--Assessment--Systems
1) Development--and--implementation--of--an--assessment--system--which
enables--determinations--as--to--the--extent--to--which--all--students
enrolled--in--the--school--at--least--in--the--benchmark--grades--are
meeting--standards--applicable--to--the--relevant--learning--outcomes:
the--assessment--system--must--include--alternative--assessment--tests
or--procedures--for--students--with--disabilities--or--limited--English
proficiency:
2) A--full--description--of--each--assessment--test--or--procedure
including--whether--it--is--commercially--published--developed--by
district--personnel--or--obtained--elsewhere--(such--as--from--another
district)--whether--it--is--a--forced--choice/short--answer--or--complex
generated--response--assessment--the--learning--outcomes--and
grades--or--course(s)--of--instruction--for--which--it--will--be--used:
and--the--procedure--and--rationale--for--its--selection:
3) Documentation--of--validity--and--reliability--claims--for--each
assessment--test--or--procedure--citing--the--source(s)--of--evidence
used:
4) Documentation--of--claims--of--nondiscrimination--for--each--assessment
test--or--procedure--with--respect--to--race--gender--and--disability:
citing--the--source(s)--of--evidence--used:
5) Identification--of--the--grade(s)--at--which--assessment--takes--place:
Student--performance--relative--to--each--learning--outcome--shall--be
assessed--every--school--year--at--least--at--the--benchmark--grades:
6) Results--of--all--assessment--conducted--in--accordance--with--this
Subpart--shall--be--maintained--for--the--five--most--recent--school
years:
7) Copies--of--current--assessment--instruments--and--full--descriptions--of
current--assessment--procedures--(other--than--for--the--state
assessment)--shall--be--maintained--for--inspection--by--the--State--Board
of--Education--staff--upon--request:
8) All--students--enrolled--in--at--least--the--benchmark--grades--shall--be
administered--the--assessment--instruments--and--procedures--as--defined
in--the--standards--for--those--grades--except--that--a--student--with
limited--English--proficiency--or--a--disability--shall--be--assessed
with--an--alternative--assessment--test--or--procedure--if--in--the
judgment--of--the--district--the--uniform--assessment--test--or
procedure--cannot--be--administered--in--a--valid--reliable--and
nondiscriminatory--manner--for--that--student--or--if--an--alternative
accommodation--is--made--for--the--student--after--a--reasonable
assessment--is--specified--in--the--student's--Individualized--Education
Program--pursuant--to--23--Ill--Adm--Code--236-562(f)(5):--Records--of
the--progress--of--all--students--on--learning--outcomes--shall--be
maintained:
9) All--assessment--procedures--shall--be--based--on--good--testing

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improvement--standards--shall--be--based--upon--information--provided--in--compliance
with--the--requirements--of--Section--130--of--this--Part--Appendices--B--and--P--to--this
Part--and--the--following--additional--requirements:
a) Requirements--for--an--Analysis--of--Existing--Conditions
1) Maintenance--of--information--on--the--student--population--of--the
school--as--to--attendance--truancy--mobility--retention--and
exit--rates--Graduation--rates--and--dropout--rates--are--to--be
maintained--for--all--high--schools:
2) Inquiry--as--to--the--needs--of--students--related--to--learning--outcomes
and--on--community--characteristics--which--may--affect--student
learning--as--perceived--by--school--staff--and--the--school--community
with--a--rationale--for--selection:
b) Requirements--for--Bearing--Outcomes--Standards--and--Expectations
1) Establishment--of--measurable--learning--outcomes--for--all--students--in
at--least--the--benchmark--grades--which--define--what--students--should
know--and--be--able--to--do--in--order--to--achieve--the--State--Goals--for
Bearing--which--are--consistent--with--the--primary--purpose--of
schooling--as--set--forth--in--Section--27-1--of--the--School--Code--(Ill.
Rev--Stat--1991--ch--122--par--27-1)--(105-1569-5/27-1)--and--which
are--consistent--with--and--in--total--are--at--least--as--comprehensive
as--the--State--Goals--for--Bearing--and--are--developed--in
communication--with--school--staff--and--the--school--community--Where
must--be--a--formal--and--consultative--process--for--developing--learning
outcomes--and--a--rationale--for--the--process--and--for--the--resulting
outcomes--there--must--be--format--alignment--of--the--curriculum--with
the--learning--outcomes--Until--October--17--1995--learning
objectives--may--be--substituted--for--learning--outcomes--as--a
transitional--measure:
2) Establishment--of--standards--for--all--learning--outcomes--as--defined
in--Section--110--of--this--Part--there--must--be--a--formal--and
consultative--process--for--setting--standards--and--a--rationale--for
the--process--and--for--the--resulting--standards--Until--October--17
1995--standards--for--learning--objectives--developed--pursuant--to--the
requirements--of--23--Ill--Adm--Code--210--(Bearing--Assessment--and
School--Improvement--Plans)--may--be--substituted--for--standards--for
learning--outcomes--as--a--transitional--measure:
3) Establishment--of--expectations--for--performance--related--to--the
achievement--of--all--learning--outcomes--relevant--to--that--school--
where--must--be--a--formal--and--consultative--process--for--establishing
expectations--and--a--rationale--for--the--process--and--for--the
resulting--expectations--Until--October--17--1995--expectations--for
performance--related--to--the--achievement--of--learning--objectives--may
be--substituted--for--expectations--for--performance--related--to--the
achievement--of--learning--outcomes--as--a--transitional--measure:
4) Bearing--outcomes--addressing--the--Language--Arts--Mathematics--the
Biological--and--Physical--Sciences--the--Social--Sciences--and--the
Fine--Arts--shall--have--been--developed--before--the--1993-94--school
year--pursuant--to--the--applicable--requirements--of--23--Ill--Adm--

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- practitioner as described in "Standards for Educational and Psychological Testing" (1985) published by the American Psychological Association. (No later amendments to or editions of these standards are incorporated by this rule.)
- 10) A variety of assessment instruments and procedures that address the scope, content, and specificity of each learning outcome shall be used. Data or results from the Illinois Goal Assessment Program may be used to make student performance and school improvement decisions but the Illinois Goal Assessment Program may not be utilized to meet the assessment requirements of this Section.
- 11) All assessment practices shall be based on fair testing practices as described in "Code of Fair Testing Practices in Education" (1980) published by the Joint Committee on Testing Practices of the American Educational Research Association, American Psychological Association and National Council on Measurement in Education. (No later amendments to or editions of this code are incorporated by this rule.)
- 12) Each district shall ensure the availability of reasonable accommodations for participation in the assessment test or procedure or alternative test or procedure by students with disabilities or limited English proficiency.
- 13) Districts shall protect the security and confidentiality of all questions and other materials which are considered part of a secured or confidential assessment set or procedure including but not necessarily limited to test items, reading passages, charts, graphs, and tables.
- d) Requirements for the Analysis of Student Performance Data
- i) There must be a systematic collection and analysis of student performance data as they become available with emphasis on current and prior years' assessment data by standard for each learning outcome, with an indication of the percent of students assessed, including those in identified groups in the school's student population who met the standards.
- 2) Current and prior years' data collected on student performance must be used in considering ways to improve student achievement and the programs of instruction at the school relative to the standards established for meeting the learning outcomes.
- e) Requirements for the Evaluation of Student Performance and School Programs
- i) Student achievement and the programs of instruction at the school must be evaluated at least annually to help determine whether all students are being served.
- 2) Inquiry is to be conducted on possible common characteristics of students at the school who consistently are not meeting standards for learning outcomes, for use in identifying groups within the school's student population whose performance will be monitored for the coming year.

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- 3) Program evaluation must be conducted to identify probable causes for the failure of students, including those in identified groups within the student population, to meet standards for learning outcomes, if applicable.
- f) Requirements for the Review of Expectations and Program Improvements
- i) Expectations for students at the school must be reviewed annually based on current and prior years' student performance data.
- 2) School improvement activities must be implemented based on:
- A) the percentage of students who did not meet standards for the learning outcomes established for the school, and
- B) other educational indicators.
- g) Requirements for Reporting to the Public
- i) Each school district shall develop and implement a reporting system to inform the public at least annually of the extent to which standards for achieving learning outcomes are being met and, if not, what appropriate actions are being taken. The reporting system shall provide for dissemination of this information for each school through all of the following:
- A) presentations at regular school board meetings
- B) distribution to newspapers of general circulation and other news media serving the area in which the school district is located; and
- C) distribution to parents of the district's pupils.
- 2) Interpretation of student performance data must be provided as appropriate for each of the audiences identified in subsection (i) above.
- h) Determination of the Student Performance and School Improvement component of the Accreditation Status for a school
- i) Pursuant to the Annual School Accreditation Process, each school will receive from the State Board of Education a determination reflecting the degree to which it meets the requirements of this Section for student performance and school improvement based on the evaluation criteria set forth in Appendix B and the scoring criteria set forth in Appendix P to this Part.
- A) The determination will be either:
- i) Exceeds Student Performance and School Improvement Standards;
- ii) Meets Student Performance and School Improvement Standards;
- iii) Does Not Fully Meet Student Performance and School Improvement Standards; or
- iv) Does Not Meet Student Performance and School Improvement Standards.
- B) No school shall be determined either to exceed or not to meet student performance and school improvement standards until it has been visited by State Board staff to verify the relevant information submitted.
- 2) Within 90 days of the issuance of the student performance and

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published by the American Psychological Association, 1200 7th St., N.W., Washington, D.C. 20036. (No later amendments to or editions of these standards are incorporated by this rule.) Schools shall participate in special studies, tryouts, pilot testing, field testing, and/or norm testing of these assessment procedures and instruments when selected to do so by the State Board.

3) A school shall be selected for participation in these special studies, tryouts, pilot testing, and/or field testing no more than once every four five years.

4) All students who are required to participate under Section 2-3.64 of the School Code shall be administered the state assessment. It is the responsibility of each district to ensure that all students required to participate in the State state assessment do so.

5) District personnel must be able to document that the performance of students who are exempt from the State state assessment is being evaluated and that information about the procedures, instruments, results, and analysis is available for review.

6) Each district shall ensure the availability of reasonable accommodations for participation in the State state assessment by students with disabilities and limited English proficiency.

b) Assessment Procedures

11) All assessment procedures and practices shall be based on fair testing practice, as described in "Code of Fair Testing Practices in Education" (1988) published by the Joint Committee on Testing Practices of the American Educational Research Association, American Psychological Association and National Council on Measurement in Education, 750 First Avenue, N.E., Washington, D.C. 20002-4242. (No later amendments to or editions of this code are incorporated by this rule.)

c) Reports of State Assessment Results

The State Board shall send each school and district a report for the school containing the following information from the results of each administration of the State IAP assessment in--language---arts mathematics--science--and-social-sciences:

republican improvement determination of the superintendent of the district may request a conference at which representatives of the district will have an opportunity to discuss the determination with representatives of the board of education. If within the ten-day period the superintendent does not decide that conference the determination shall become final. If a conference is requested within a week of the receipt of the determination of the board of education and the superintendent has not yet received the determination of the board of education, the superintendent shall receive the determination of the board of education within a week of the receipt of the determination of the board of education.

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(Source: Repealed at 22 Ill. Reg. _____, effective _____)

Section 1.50 State Assessment

The State Board of Education shall develop and administer assessment instruments and other procedures in accordance with Section 2-3.64 of the School Code (105 ILCS 5/2-3.64) for all six fundamental learning areas. All students shall participate in State assessment, the Illinois Goal--Assessment Program (IGAP) in language arts, mathematics, science and social sciences with the exception of students who do not participate pursuant to Section 2-3.64 of the School Code (105 ILCS 5/2-3.64) or pursuant to 105 ILCS 5/2-3.64. In addition, school districts shall collaborate with samples of students identified by the State Board in the design and implementation of special studies in the fine arts and physical education and health.

a) Development and Participation

Assessment instruments and procedures shall meet the generally accepted standards of validity and reliability as stated in "Standards for Educational and Psychological Testing" (1985)

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- fundamental learning area.
- 2) The--IGAP--assessment--results--(including--IGAP--scores--and performance--standards)--are--for--school--improvement--purposes--individual--or--aggregate--scores--shall--not--become--part--of--a student's--permanent--record--or--be--used--for--grading--promotion--or--retention--graduation--or--personnel--evaluation--
- d) Each school district shall verify the accuracy of the score information received and shall notify the State Board of Education of any discrepancies identified. If no conflicting information is received from a district within 45 days after receipt of data from the Board, those data shall be considered correct.
- 1) Within 45 days after receipt of data from the Board, the superintendent of the district may request a conference at which representatives of the district will have an opportunity to discuss the accuracy of the district's State assessment data with representatives of the State Board of Education.
- 2) If a conference is held pursuant to this subsection (d) and the areas of concern are not resolved, the school board may submit an appeal by adopted board resolution. The appeal must identify the specific alleged inaccuracies upon which it is based.
- 3) The district will be given an opportunity to present information relevant to the issues appealed. The State Superintendent will consider the appeal and issue a final written determination in each case.

- e) The State Board of Education shall annually notify each school that includes grades in for which the State state assessment is administered whether will receive from the State Board of Education an annual determination reflecting the degree to which the performance of the students at the school meets, exceeds, or fails to meet State state assessment standards. This determination will be based upon all State state assessment scores achieved by students in the school. Each such score will be classified as exceeding, meeting, or not meeting State state assessment standards, as reflected in score ranges that the State Board shall disseminate at the time of testing Appendix G to this Part. All of the school's test score classifications will form one distribution and, based on that distribution, the school will be notified that it state assessment determination will be either:
- 1) exceeds Exceeds State standards Assessment Standards (at least 90% of all test scores meet State state standards, and at least 50% of all test scores exceed State state standards); or
- 2) meets Meets State standards Assessment Standards (at least 50% of all test scores meet State state standards); or
- 3) does not meet Does Not Meet State standards Assessment Standards (more than 50% of all test scores do not meet State state standards).

- e) Within 30 days after the issuance of a school's state assessment determination, the superintendent of the district may request a conference at which representatives of the district will have an

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- opportunity to discuss the determination with representatives of the State Board of Education. If within the 30-day period the superintendent does not request a conference, the determination will become final.
- 1) If a conference is requested by a superintendent on behalf of a school which received a determination of Does Not Meet State Assessment Standards and the areas of concern are not resolved, the school board may submit an appeal of that designation by adopted board resolution. The appeal must identify the specific state assessment issues raised. Within 30 days after receipt of an appeal, the State Superintendent shall appoint a three-member appeal panel to hear the appeal.
- 2) The district will be given an opportunity to present any information relevant to the determination issues appealed. Following the district's presentation, the State Board staff may present information relevant to the district's presentation. The appeal panel will submit its recommendations to the State Superintendent, who will issue a final written determination in each case.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1.60 Operational Compliance (Repealed)

Each school will receive from the State Board of Education a determination reflecting the degree to which it adheres to operational compliance requirements:

- a) Operational compliance determinations are Full Compliance, Pending Compliance, Probationary Compliance, and Nonrecognition. A school is recognized if it is determined to be in Full Compliance. Pending Compliance or Probationary Compliance. Therefore, a school may be recognized, but its Accreditation Status is not complete until the two components of its determination (student performance and school improvement and the state assessment) have also been determined.
- 1) The Full Compliance determination shall be granted to each school which meets the minimal operational requirements imposed by the State Board pursuant to Section 2-3-25 of the School Code (Ill. Rev. Stat. 1991, ch. 122, par. 2-3-25) (105 ILCS 5/2-3-25) and this Part.
- 2) The Pending Compliance determination shall be given to each school which has identified deficiencies that are in the process of being corrected during the school year.
- 3) The Probationary Compliance determination shall be given to each school which has not met these minimal requirements. The school district must submit a plan for the correction of the identified deficiencies.
- 4) The Nonrecognition determination shall be given to any school

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Section 1.80 Academic Early Warning and Watch Lists List

This Section identifies the two groups of schools that are subject to placement on the Academic Early Warning List (see subsections (a) and (b) of this Section) and describes the circumstances under which they will be removed from that list, kept on that list, or placed on the Academic Watch List.

- a) Schools in which include grades at which the State state assessment is administered that are determined receive the determination of Bo-Not Meet-Student-Performance-and-School-Improvement-Standards-and-Bo-Not Meet-State-Assessment-Standards as set forth in this Subpart not to have met State standards for two consecutive years shall be placed on an Academic Early Warning Watch List and may subsequently be placed on an Academic Watch List pursuant to Sections 2-3.25d through 2-3.25f of the School Code. Schools which do not include grades at which the state assessment is administered that receive the determination of Bo-Not Meet-Student-Performance-and-School-Improvement-Standards-as-set forth in this Subpart shall be placed on an Academic Watch List pursuant to Sections 2-3.25d through 2-3.25f of the School Code.

- 1) A school placed on the Academic Early Warning List pursuant to subsection (a) of this Section shall be removed from the list when the school is determined to meet State standards.

- 2) A school placed on the Academic Early Warning List pursuant to subsection (a) of this Section shall remain on the list but avoid placement on the Academic Watch List as long as it does not meet State standards but makes adequate progress. "Adequate progress" means a rate of increase in the proportion of scores meeting State standards that would be sufficient in order for the school to meet State standards after five years.

- 3) A school which has been on the Academic Early Warning List for two consecutive years ("Years 1 and 2") and whose cumulative progress for that time does not qualify as adequate shall be placed on the Academic Watch List and shall be subject to the requirements of Sections 2-3.25d through 2-3.25f of the School Code [105 ILCS 5/2-3.25d through 2-3.25f], as applicable. Similarly, a school which has been on the Academic Early Warning List for four consecutive years and whose cumulative progress for Years 3 and 4 does not qualify as adequate shall be placed on the Academic Watch List and shall be subject to the requirements of Sections 2-3.25d through 2-3.25f of the School Code, as applicable. That is, a school shall be required to eliminate at least 40% of its "performance gap" (the degree to which its scores fail to meet State standards) in Years 1 and 2 and at least 40% in Years 3 and 4.

- b) Schools that do meet State standards, other than schools which are exempt from external quality review pursuant to Section 2-3.25k of the School Code, shall also be subject to placement on the Academic Early Warning List, if the proportion of their scores that do not meet State standards has increased by at least 20 percentage points during the

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which fails to submit an annual Application for Accreditation, fails to meet legal requirements or fails to give evidence of meeting minimal operational requirements.

- b) Within 30 days after the issuance of an operational compliance determination, the superintendent of the district may request a conference at which representatives of the district will have an opportunity to discuss the determination with representatives of the State Board of Education. If within the 30-day period, the superintendent does not request a conference, the determination shall become final.

- 1) If a conference is requested by a superintendent on behalf of a school which received a determination of Nonrecognition and the areas of concern are not resolved, the school board may submit an appeal of the determination by adopted board resolution. The appeal must identify the specific finding with which the district disagrees. Within 30 days after receipt of an appeal, the State Superintendent shall appoint a three-member appeal panel to hear the appeal.

- 2) The district will be given an opportunity to present any information relevant to the recognition determination issues appealed. Following the district's presentation, the State Board staff may present information relevant to the district's presentation. The appeal panel will submit its recommendations to the State Superintendent who will make a final recommendation to the State Board.

- c) For any school assigned Probationary Compliance or Nonrecognition status, the district may at any time request reevaluation by the State Board of Education to verify corrections made by the district as to the areas of noncompliance previously cited.

(Source: Repealed at 22 Ill. Reg. _____, effective _____)

Section 1.70 Effective Dates of Accreditation (Repealed)

- a) The Operational Compliance determination of each school shall be effective from July 1 to the next succeeding June 30.

- b) The Student Performance and School Improvement determination shall be effective upon completion of the Accreditation Process and shall remain in effect until the next Accreditation Process is completed and a new determination is made by the State Board.

- c) The state assessment determination for a school shall be effective upon completion of the state assessment process and shall remain in effect until completion of the state assessment process for the next school year.

(Source: Repealed at 22 Ill. Reg. _____, effective _____)

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immediately preceding three-year period, as evidenced by four consecutive years' State assessment scores.

1) A school placed on the Academic Early Warning List pursuant to subsection (b) of this Section shall be removed from the list when the proportion of its State assessment scores that do not meet State standards is reduced to a level at or below the average for the four test cycles preceding its placement on the list. (For example, a school in which, over four test cycles, 38, 48, 15%, and 26% of scores did not meet standards would be removed from the Academic Early Warning List after the first subsequent administration of the State assessment in which 12% or fewer of its scores did not meet State standards.)

2) A school placed on the Academic Early Warning List pursuant to subsection (b) of this Section shall remain on the list until its State assessment scores reach the level identified pursuant to the calculation set forth in subsection (b)(1) of this Section.

3) A school placed on the Academic Early Warning List pursuant to subsection (b) of this Section shall be placed on the Academic Watch List if its State assessment scores decline so that the school fails to meet State standards for two consecutive years.

c) A school which has been placed on the Academic Watch List shall be subject to the provisions of Sections 2-3.25d through 2-3.25f of the School Code.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1.85 Revisions to School Improvement Plans

A district with one or more schools included on the Academic Early Warning List shall prepare a revised school improvement plan and submit it to the State Superintendent of Education for approval.

a) Each school improvement plan shall conform to the requirements of Section 2-3.25d of the School Code and shall be submitted by the end of the month of January next following notification of the school's placement on the list.

b) The State Superintendent shall approve each school improvement plan that conforms to the requirements of Section 1.10(b)(4) of this Part.

c) Failure by a school district to maintain approval of its school improvement plan shall affect the district's recognition status (see Section 1.20 of this Part).

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 1.90 System of Rewards and Recognition

A school which includes grades at which the State state assessment is

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administered that exceeds State standards is--assigned--and--maintains--a determination--of--Exceeds--local--Student--Performance--and--School--Improvement Standards--and--is--assigned--and--maintains--a--determination--of--Exceeds--State Assessment--Standards will be eligible to receive rewards and special recognition during the period for which such status is determinations--are maintained. A--school--which--does--not--include--grades--at--which--the--state assessment--is--administered--that--is--assigned--and--maintains--a--determination--of Exceeds--Student--Performance--and--School--Improvement--Standards--will--be--eligible to--receive--rewards--and--special--recognition--during--the--period--for--which--such determination--is--maintained. Rewards will be as determined by the State Board of Education and may be:

a) an extension of the schedule for Quality Review visits to no less than once in every seven school years;

a)b) statewide recognition from the State Board; and/or

b)c) participation in programs and activities of the State Board.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1.100 Waiver and Modification of State Board Rules and School Code Mandates

a) As authorized in Section 2-3.25g of the School Code 195--165 5/2-3.25g--see P.A. 99-37--effective--February--27--1995, a school district or independent authority established pursuant to Section 2-3.25f of the School Code [105 ILCS 5/2-3.25f] may petition for:

1) State Board approval of waivers or modifications of State Board of Education rules and of modifications of School Code mandates to allow a district to meet the intent of the rule or mandate in a more effective, efficient or economical manner or when necessary to stimulate innovation or to improve student performance; and/or

2) General Assembly approval of waivers of School Code mandates as necessary to stimulate innovation or improve student performance.

b) "The School Code" comprises only those statutes compiled at 105 ILCS 5. Waivers from State Board rules or School Code mandates pertaining to special education, teacher certification, or teacher tenure and seniority are not permitted (Section 2-3.25g of the School Code).

c) Each application for a waiver or modification shall provide the following, on a form supplied by the State Board of Education.

1) Identification of the rule(s) or mandate(s) involved, either by quoting the exact language of or by providing a citation to the rule(s) or mandate(s) at issue. Districts unable to determine the exact language or citation may obtain a copy of, or citation to, the rule(s) or mandate(s) involved by contacting the State Board of Education Legal Department by mail at 100 North First Street, Springfield, Illinois, 62777-0001, by telephone at 217-782-5270, or by Internet mail to

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- isbelaw@spr5.isbe.state.il.us.
- 2) Identification as to the specific waiver(s) and/or modification(s) sought. For modifications, the specific modified wording of the rule(s) or mandate(s) must be stated.
 - 3) Identification as to whether the request is for an initial waiver or modification or for the renewal of a previously approved request.
 - 4) For requests based upon meeting the intent of the rule or mandate in a more effective, efficient, or economical manner, a narrative description which sets forth:
 - A) the intent of the rule or mandate to be achieved,
 - B) the manner in which the district will meet that intent,
 - C) how the manner proposed by the district will be more effective, efficient or economical, and
 - D) if the district proposes a more economical manner, a fiscal analysis showing current expenditures related to the request and the projected savings that would result from approval of the request.
 - 5) If the request is necessary for stimulating innovation or improving student performance, the request must include the specific plan for improved student performance and school improvement upon which the request is based. This plan must include a description of how the district will determine success in the stimulation of innovation or the improvement of student performance.
 - 6) The time period for which the waiver or modification is sought. Pursuant to Section 2-3.25g of the School Code, such time period may not exceed five years.
 - 7) An assurance stating the date(s) of the public hearing(s) on the application and, if applicable, specific plan for improved student performance and school improvement, held as prescribed in Section 2-3.25g of the School Code, and stating the date the application (and, if applicable, the plan) was approved by the local board of education.
- d) Applications must be sent by certified mail, return receipt requested, and addressed as specified on the application form.
- e) Applications must be postmarked not later than 15 calendar days following local board of education approval. Applications addressed other than as specified on the application form shall not be processed.
- f) Applications for the waiver or modification of State Board rules or for the modification of School Code mandates shall be deemed approved and effective 46 calendar days after the date of receipt by the State Board of Education unless disapproved in writing. Receipt by the State Board shall be determined by the date of receipt shown on the return receipt form, except in the case of an incomplete application.
- 1) A district submitting an incomplete application shall be contacted by staff of the State Board regarding the need for

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- additional information.
- 2) The 45-day response time referred to in this subsection (f) shall not commence until the district submits the additional material requested by the State Board, which shall be sent by certified mail, return receipt requested.
 - 3) Incomplete requests will not be considered.
 - g) The State Board may disapprove a request for the waiver or modification of State Board rules or for the modification of School Code mandates if the request:
 - 1) is not based upon sound educational practices,
 - 2) endangers the health or safety of students or staff,
 - 3) compromises equal opportunities for learning, or
 - 4) does not address the intent of the rule or mandate in a more effective, efficient or economical manner or does not have improved student performance as a primary goal.
 - h) Disapproval of an application for a waiver or modification of a State Board rule or for a modification of a School Code mandate shall be sent by certified mail to the applicant no later than 45 calendar days after receipt of the application by the State Board. An applicant wishing to appeal the denial of a request may do so within 30 calendar days after receipt of the denial letter by sending a written appeal by certified mail to the Illinois State Board of Education, Quality Review and School Accreditation, 100 North First Street, Springfield, Illinois 62777-0001. The written appeal shall include the date the local school board approved the original request, the citation of the rule or School Code section involved, and a brief description of the issue. Appeals of denials shall be submitted to the General Assembly in the semiannual report required under Section 2-3.25g of the School Code.
 - i) Applications for General Assembly approval of waivers of School Code mandates will be reviewed for completeness. Each incomplete application shall be returned to the applicant with an explanation as to the deficiencies. Complete applications shall be submitted to the General Assembly in the semiannual report required under Section 2-3.25g of the School Code. The State Board of Education shall periodically notify school districts of the date by which applications must be postmarked in order to be processed for inclusion in the next report to the General Assembly.
 - j) The State Board of Education shall notify Regional Superintendents of Schools of the disposition of requests for waivers or modifications submitted by school districts located within their regions.
- (Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section 1.420 Basic Standards

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- a) Class schedules shall be maintained in the administrative office in each attendance center of a school district.
- b) Every school district shall have an organized plan for recording pupil progress and/or awarding credit; a plan which can be disseminated to other schools within the State.
- c) Every school district shall:

- 1) provide curricula and staff inservice training to help eliminate unconstitutional and unlawful discrimination in our schools and society. School districts shall utilize the resources of the community in achieving the stated objective of elimination of discrimination and to enrich the instructional program.

- 2) Include in its instructional program concepts which are designed to improve students' understanding of and their relationships with individuals and groups of different ages, sexes, races, national origins, religions, and socio-economic backgrounds.

- d) Boards shall adopt and implement a policy for the distribution of teaching assignments, including study hall and extra class duties and responsibilities.

- e) Every school system shall conduct supervisory and inservice programs for its professional staff. The staff shall be involved in planning, conducting, and evaluating supervisory and inservice programs.

- f) Sections 10-19, 18-8.05, and 18-12 of the School Code [105 ILCS 5/10-19, 18-8.05, and 18-12] establish certain requirements regarding the school year and the school day. School districts shall observe these requirements when preparing their calendars and when calculating average daily attendance for the purpose of claiming general State financial aid.

- 1) Section 18-8.05(F)(2)(C) of the School Code provides that, with the approval of the State Superintendent of Education, four or more clock-hours of instruction may be counted as a day of attendance when the regional superintendent certifies that the district has been forced to use multiple sessions. The State Superintendent's approval will be granted when the district demonstrates that its facilities are inadequate to house a program offering five clock-hours daily to all students.

- A) The State Superintendent's approval shall be requested before the beginning of the school year.

- B) The school district's request shall include a copy of the minutes of the meeting at which the board of education approved the plan for multiple sessions; a plan for remedying the situation leading to the request; and a daily schedule showing that each student will be in class for at least four clock-hours.

- C) Requests for extensions of the State Superintendent's approval shall be made annually prior to the opening of school.

- 2) Section 18-8.05(F)(2)(h) of the School Code allows for a determination under rules of the State Board regarding the

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necessity for a second year's attendance at kindergarten for certain students so they may be included in a district's calculation of average daily attendance. Districts may count such students when they determine through an assessment of their individual educational development that a second year of kindergarten is warranted.

- f) Sections 10-19 and 18-8 of the School Code (105 ILCS 5/10-19 and 18-8) specifies certain measures relative to the school day. Any deviation from Section 18-8 of the School Code will be examined on an individual basis by the State Superintendent of Education. Section 18-8 requires that every school system shall operate its schools so as to provide a minimum of five clock-hours of school work each day with the following exceptions:

- 1) Four clock-hours may be counted as a day of attendance for full-day kindergarten and first-grade pupils.

- 2) Two or more clock-hours may be counted as a half-day of attendance by pupils in half-day kindergarten programs. However, such kindergarten may count two and one-half days of attendance in any five consecutive school days. Where a pupil attends such a kindergarten for two half-days on any one school day, such pupil shall have the following day as a day absent from school, unless the school system obtains permission in writing from the State Superintendent of Education. (Section 18-8 of the School Code.) Approval will be granted pursuant to the provisions of subsection (f)(5)(a) of this Section.

- 3) One clock-hour may be counted as one-half day of attendance for handicapped children below the age of six years who cannot attend a two-hour session because of handicap or immaturity.

- 4) Pupils may be counted for a second year of kindergarten attendance when such pupils entered kindergarten in their fifth year and when the school district has determined through an assessment of their educational development that a second year of kindergarten is warranted.

- 5) Opening and Closing of School Term Approval of Days of Attendance of Four or more Clock Hours

- A) Days of attendance may be less than five clock-hours on the opening and closing day of the school term and upon the second or third day of the school term if the first and second days are utilized as an institute or teachers' workshop. Four clock-hours may be counted as a day of attendance upon certification by the Regional Superintendent and approved by the State Superintendent of Education to the extent that the district has been forced to use daily multiple sessions. (Approval will be granted on the basis of the present facilities being inadequate to house a normal program.)

- B) Approval to count a session of four to five clock-hours as a day in session shall be granted by the State Superintendent

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of Education upon certification of the district's plans by the Regional Superintendent. The request shall be made prior to the opening of the school year to be used, shall include a copy of the official board of education minutes indicating board approval of the plan, shall include provision for remedying the situation that caused the request, and shall include a daily schedule showing that each student will, in fact, be in class at least four clock hours.

Requests for extensions shall be made by the district annually prior to the opening of school.

- 6) A session of three or more clock hours up to a maximum of five half days per school year may be counted as a full day of attendance when the remainder of the day or when at least two hours in the evening of that day are utilized for an inservice training program for teachers. Two full days may be used for parent teacher conferences. Any full day used reduces the number of allowable half days by two. In either instance, the programs shall have prior approval on forms supplied by the State Board of Education. Such days can only be scheduled as provided in Section 18-8.11(g) of the School Code (105 ILCS 5/18-8.11(g)).

3) A school district shall be considered to have met a legal school day, which is eligible to be counted for General State Aid state aid, when the following conditions are met during a work stoppage.

- A) Fifty percent or more of the district's students are in attendance, based on the average daily attendance during the most recent full month of attendance prior to the work stoppage.
- B) Educational programs are available at all grade levels in the district, in accordance with the minimum standards set forth in this Part.
- C) All teachers must hold certificates which are registered with the Regional Superintendent for their county of employment. Other than substitute teachers, certification appropriate to the grade level and subject area(s) of instruction is must be held by all teachers.
- 8) Any deviation from the five clock hour requirement as it pertains to student attendance will be evaluated on an individual basis by the State Superintendent of Education.

- 4) Attendance for General State Aid Purposes
- A) For purposes of determining average daily attendance on the district's General State Aid claim, students in full-day kindergarten and first grade may be counted for a full day of attendance only when they are in attendance for four or more clock hours of school work; provided, however, that students in attendance for more than two clock hours of

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school work but less than four clock hours may be counted for a half day of attendance.

- B) For purposes of determining average daily attendance on the district's General State Aid claim, students in grades 2 through 12 may be counted for a full day of attendance only when they are in attendance for five or more clock hours of school work; provided, however, that students in attendance for more than two and one-half clock hours of school work but less than five clock hours may be counted for a half day of attendance.

- g) Length of School Term Each school board shall annually prepare a calendar for the school term, specifying the opening and closing dates and providing a minimum term of at least 185 days to ensure 176 days of actual pupil attendance, computable under Section 18-8.05 of the School Code. Any days allowed by law for a teacher's institute but not used as such or used as parent-institute as provided in Section 18-8.11(d) of the School Code (105 ILCS 5/18-8.11(d)) shall increase the minimum term by the school days not so used. Except as provided in Section 18-19.1 of the School Code (105 ILCS 5/18-19.1), the board may not extend the school term beyond such a closing date unless that extension of term is necessary to provide the minimum number of computable days in case of such necessary extension of school employees shall be paid for such additional time on the basis of their regular contracts. A school board may specify a closing date earlier than that set on the annual calendar when the schools of the district have provided the minimum number of computable days under this Section.

- 2) Nothing in this Section prevents the board from employing superintendents of schools, principals, and other non-teaching personnel for a period of 12 months or in the case of superintendents for a period in accordance with Section 19-23.8 of the School Code (105 ILCS 5/19-23.8) or prevents the board from employing other personnel before or after the regular school term with payment of salary proportionate to that received for comparable work during the school term (Section 19-19 of the School Code).

- h) Local boards of education shall establish and maintain kindergartens for the instruction of children (Sections 10-20.19a and 10-22.18 of the School Code (105 ILCS 5/10-20.19a and 10-22.18)).

- 1) School districts may establish a kindergarten of either half-day or full-day duration. If the district establishes a full-day kindergarten, it must also provide a half-day kindergarten for those students whose parents or guardians request a half-day program.
- 2) If a school district which establishes a full-day kindergarten also has 20 or more students whose parents request a half-day program, the district must schedule half-day classes, separate and apart from full-day classes, for those children. If there are

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fewer than 20 children whose parents request a half-day program, such students may be enrolled in either the morning or afternoon session of a full-day program provided that the following conditions are met.

- A) Distinctive curriculum plans for the half-day and full-day kindergarten programs must be developed by the school district, made available to parents to assist the parents in selecting the appropriate program for their child, and maintained in district files.
- B) A common core of developmental, readiness and academic activities must be made available to all kindergarten students in the district regardless of the amount of time they attend school.
- C) All support services (e.g., health counseling and transportation) provided by the district must be equally available to full-day and half-day students.

i) Career Education

- 1) The educational system shall provide students with opportunities to prepare themselves for entry into the world of work.
- 2) Every district shall initiate a Career Awareness and Exploration Program which should enable students to make more meaningful and informed career decisions. This program should be available at all grade levels.

j) Co-Curricular Activities

- 1) Programs for extra classroom activities shall provide opportunities for all students.
- 2) The desires of the student body in the area of co-curricular activities shall be of critical importance. At all times, activities of this nature shall be carefully supervised by a school-approved sponsor.

k) Consumer Education and Protection

- 1) A program in consumer education may include the following topics: the individual consumer in the marketplace, money management, consumer credit, human services--housing, food, transportation, clothing, health services, drugs and cosmetics, recreation, furnishings and appliances, insurance, savings and investments, taxes, and the consumer in our economy.
- 2) The superintendent of each unit or high school district shall maintain evidence which shows that each student has received adequate instruction in consumer education or has demonstrated proficiency by passing the Consumer Education Proficiency Test as required by law (Section 27-12.1 of the School Code [105 ILCS 5/27-12.1]) prior to the completion of the 12th grade. Consumer education may be included in course content of other courses, or it may be taught as a separate required course.
- 3) The minimal time allocation shall not be less than nine weeks or the equivalent for grades 9-12 and shall include installment purchasing, budgeting, comparison of prices and an understanding

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of the roles of consumers interacting with agriculture, business, trade unions, and government in formulating and achieving the goals of the mixed free enterprise system.

- 4) Each district may use as a guideline the information set forth in "Consumer Education in Illinois Schools" issued by the State Board of Education.

- 5) Teachers instructing in consumer education courses shall have proper certification for the position to which they are assigned with at least three semester hours in consumer education courses.

1) Conservation of Natural Resources

- 1) In every public school district there shall be instruction, study and discussion of current problems and needs in the conservation of natural resources, including, but not limited to, air pollution, water pollution, waste reduction and recycling, the effect of excessive use of pesticides, preservation of wilderness areas, forest management, protection of wild life, and humane care of domestic animals (Section 27-13.1 of the School Code [105 ILCS 5/27-13.1]).

- 2) It is recommended that the study of conservation also include energy demands, population growth and distribution, food production, transportation systems, solid waste disposal, and noise abatement.

- m) Every school district has the responsibility to prepare students for full citizenship. To this end each school district should encourage student discussion and communication in areas of local, State state, national and international concern.

n) Health Education

Each school system shall be in compliance with rules for Comprehensive Health Education (23 Ill. Adm. Code 253) issued pursuant to the Critical Health Problems and Comprehensive Health Education Act [105 ILCS 110].

- 1) There is no specific time requirement for grades K-6; however, health education shall be a part of the formal regular instructional program at each grade level.

- 2) The minimal time allocation shall not be less than one semester or equivalent during the middle or junior high experience.

- 3) The minimal time allocation shall not be less than one semester or equivalent during the secondary school experience.

o) Media Programs

Each attendance center shall provide a program of media services to meet the curricular and instructional needs of the school. The "Recommended Standards for Educational Library Media Programs" (Revised 1986) is suggested as a guide for program development.

p) Physical Education

- 1) Appropriate activity related to physical education shall be required of all students each day (Section 27-6 of the School Code [105 ILCS 5/27-6]). The time schedule shall compare favorably with other courses in the curriculum. Safety education

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as it relates to the physical education program should be incorporated.

- 2) There shall be a definite school policy regarding credit earned each semester in physical education with provisions for allowable variables in special cases.
- 3) If a district determines that it is difficult to implement a program of physical education which involves all students daily, the administration should consult one of the program service personnel from the State Board of Education for assistance in the development of an acceptable program.
- 4) *The Physical Education and training course offered in grades 5 through 9 and 10 may include Health Education* (Section 27-5 of the School Code [105 ILCS 5/27-5]).
- 5) *Special activities in physical education shall be provided for pupils whose physical or emotional condition, as determined by a person licensed under the Medical Practice Act [225 ILCS 60], prevents their participation in the courses provided for normal children* (Section 27-6 of the School Code).
- 6) Pursuant to Section 27-6(b) of the School Code, each school board which chooses to excuse pupils enrolled in grades 9 through 12 from engaging in physical education courses shall establish a policy to excuse pupils on an individual basis and shall have such policy on file in the local district office. The district shall maintain records showing that, in disposing of each request to be excused from physical education, the district applied the criteria set forth in Section 27-6 to the student's individual circumstances.
- q) Pupil Personnel Services
To assure provision of Pupil Personnel Services, the local district shall conduct a comprehensive needs assessment to determine the scope of the needs in the areas of:
 - 1) Guidance and Counseling Needs;
 - 2) Psychological Needs;
 - 3) Social Work Needs;
 - 4) Health Needs.

- r) Social Sciences Studies and History
Each school system shall provide history and social sciences studies courses which do the following:

- 1) analyze the principles of representative government, the Constitutions of both the United States and the State of Illinois, the proper use of the flag, and how these concepts have related and currently do relate in actual practice in our world (Section 27-21 of the School Code [105 ILCS 5/27-21]);
- 2) include in the teaching of United States history the role and contributions of ethnic groups in the history of this country and the State (Section 27-21 of the School Code);
- 3) include in the teaching of United States history the role of labor unions and their interaction with government in achieving

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the goals of a mixed free-enterprise system (Section 27-21 of the School Code);

- 4) include the study of that period in world history known as the Holocaust (Section 27-20.3 of the School Code [105 ILCS 5/27-20.3]);
- 5) include the study of the events of Black history, including the individual contributions of African-Americans and their collective socio-economic struggles (Section 27-20.4 of the School Code [105 ILCS 5/27-20.4]); and
- 6) include the study of the events of women's history in America, including individual contributions and women's struggles for the right to vote and for equal treatment (Section 27-20.5 of the School Code [105 ILCS 5/27-20.5]).
- s) Protective eye devices shall be provided to and worn by all students, teachers, and visitors when participating in or observing dangerous vocational arts and chemical-physical courses of laboratories as specified in Section 1 of the Eye Protection in School Act [105 ILCS 115/1]. Such eye protective devices shall meet the nationally accepted standards set forth in "Practice for Occupational and Educational Eye and Face Protection," ANSI Z87.1-1989, issued by the American National Standards Institute, Inc., 1430 Broadway, New York, NY 10018. No later additions or amendments to these standards are incorporated by this rule.
- t) *In every public school there shall be instruction, study and discussion of effective methods by which pupils may recognize the danger of and avoid abduction. Such required instruction, study and discussion may be included in the courses of study regularly taught in the schools. In grades kindergarten through 8, such required instruction must be given each year to all pupils in those grades* (Section 27-13.2 of the School Code [105 ILCS 5/27-13.2]).
- u) School districts shall provide instruction in relation to the prevention of abuse of anabolic steroids in grades 7 through 12 and shall include such instruction in science, health, drug abuse, physical education or other appropriate courses of study. Such instruction shall emphasize that the use of anabolic steroids presents a serious health hazard to persons who use steroids to enhance athletic performance or physical development (Section 27-23.3 of the School Code [105 ILCS 5/27-23.3]).

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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Section 1. APPENDIX D State Goals for Learning

The State Goals for Learning are broad statements of what students should know and be able to do as a result of their public education. The Illinois Learning Standards provide more specific definition of the essential knowledge and skills desired of Illinois students. The State assessment is designed to measure students' mastery of the Illinois Learning Standards, so that a clear connection will emerge between students' learning and the goals and standards of the State of Illinois.

ENGLISH LANGUAGE ARTS

State Goal 1: Read with understanding and fluency.

State Goal 2: Read and understand literature representative of various societies, eras and ideas.

State Goal 3: Write to communicate for a variety of purposes.

State Goal 4: Listen and speak effectively in a variety of situations.

State Goal 5: Use the language arts to acquire, assess and communicate information.

The skills and knowledge of the language arts are essential for student success in virtually all areas of the curriculum. They are also a central requirement for the development of clear expression and critical thinking. The language arts include the study of literature and the development of skills in reading, writing, speaking, and listening.

As a result of their schooling, students will be able to read, comprehend, interpret, evaluate and use written material; listen critically and analytically; write in standard English in a grammatically well-organized and coherent manner for a variety of purposes; use spoken language effectively in formal and informal situations; to communicate ideas and information and to ask and answer questions; understand the various forms of significant literature representative of different cultures, eras and ideas; understand how and why language functions and evolves.

MATHEMATICS

State Goal 6: Demonstrate and apply a knowledge and sense of numbers, including numeration and operations (addition, subtraction, multiplication, division), patterns, ratios and proportions.

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State Goal 7:

Estimate, make and use measurements of objects, quantities and relationships and determine acceptable levels of accuracy.

State Goal 8:

Use algebraic and analytical methods to identify and describe patterns and relationships in data, solve problems and predict results.

State Goal 9:

Use geometric methods to analyze, categorize and draw conclusions about points, lines, planes and space.

State Goal 10:

Collect, organize and analyze data using statistical methods; predict results; and interpret uncertainty using concepts of probability.

Mathematics provides essential problem-solving tools applicable to a range of scientific disciplines, business and everyday situations. Mathematics is the language of quantification and logic; its elements are symbols, structures, and shapes; it enables people to understand and use facts, definitions, and symbols in a coherent and systematic way in order to reason deductively and to solve problems.

As a result of their schooling, students will be able to:

perform the computations of addition, subtraction, multiplication, and division using whole numbers, integers, fractions and decimals; understand and use ratios and percentages; make and use measurements including those of area and volume; identify, analyze and solve problems using algebraic equations, inequalities, functions and their graphs; understand and apply geometric concepts and relations in a variety of forms; understand and use methods of data collection and analysis including tables, charts and comparisons; use mathematical skills to estimate, approximate and predict outcomes and to judge reasonableness of results.

SCIENCE B6050612AB-AND-PHYSICAB-SCIENCES

State Goal 11:

Understand the processes of scientific inquiry and technological design to investigate questions, conduct experiments and solve problems.

State Goal 12:

Understand the fundamental concepts, principles and interconnections of the life, physical and earth/space sciences.

State Goal 13:

Understand the relationships among science, technology and society in historical and contemporary contexts.

Science is the quest for objective truth. It provides a conceptual framework for the understanding of natural phenomena and their causes and effects.

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the-United-States?
apply---skills---and---knowledge---gained---in---the---social---sciences---to
decision-making-in-life-situations?

FINE-ARTS

The-fine-arts-give-students-the-means-to-express-themselves-creatively--and--to
respond-to-the-artistic-expression-of-others--As-a-record-of-human-experience?
the---fine---arts---provide-distinctive-ways-of-understanding-society-history-and
nature--the-study-of-fine-arts-includes-visual-art-music-theatre-and-dance-

As-a-result-of-their-schooling-students-will-be-able-to:
describe-the-unique-characteristics-of-each-of-the-arts?
understand-the-principal-sensory---format---technical---and---expressive
qualities-of-each-of-the-arts?
identify-significant-works-in-the-arts-from-major-historical-periods
and-how-they-reflect-cultures-and-civilizations-past-and-present?
identify-processes-and-tools-required-to-produce-visual-art-music
theatre-and-dance?
demonstrate--the-basic-skills-necessary-to-participate-in-the-creation
and/or-performance-of-one-of-the-arts.

PHYSICAL DEVELOPMENT AND HEALTH

- State Goal 19: Acquire movement skills and understand concepts needed to engage in health-enhancing physical activity.
- State Goal 20: Achieve and maintain a health-enhancing level of physical fitness based upon continual self-assessment.
- State Goal 21: Develop team-building skills by working with others through physical activity.
- State Goal 22: Understand principles of health promotion and the prevention and treatment of illness and injury.
- State Goal 23: Understand human body systems and factors that influence growth and development.
- State Goal 24: Promote and enhance health and well-being through the use of effective communication and decision-making skills.
- State Goal 25: Know the language of the arts.
- State Goal 26: Through creating and performing, understand how works of art are produced.

FINE ARTS

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purposes-of-the-study-of-science-are-to-develop-students-who-are-scientifically
literate--recognize-that-science-is-not-value-free-are-capable-of-making
ethical-judgments-regarding-science-and-social-issues--and-understand-that
technological-growth-is-an-outcome-of-the-scientific-enterprise?

As-a-result-of-their-schooling-students-will-have-a-working-knowledge-of:
the---concepts---and---basic-vocabulary---of---biological---physical---and
environmental-sciences-and-their-application-to-life--and--work--in
contemporary-technological-society?
the---social---and---environmental---implications--and--limitations--of
technological-development?
the-principles-of-scientific-research-and-their-application-in-simple
research-projects?
the-processes-techniques-methods-equipment-and-available-technology
of-science?

SOCIAL SCIENCE SCIENCES

- State Goal 14: Understand political systems, with an emphasis on the United States.
- State Goal 15: Understand economic systems, with an emphasis on the United States.
- State Goal 16: Understand events, trends, individuals and movements shaping the history of Illinois, the United States and other nations.
- State Goal 17: Understand world geography and the effects of geography on society, with an emphasis on the United States.
- State Goal 18: Understand social systems, with an emphasis on the United States.
- Social-sciences-provide-students-with-an-understanding-of--themselves--and--of
society--prepare-them-for-citizenship-in-a-democracy--and-give-them-the-basics
for-understanding-the-complexity-of-the-world-community---Study--of--the
humanities--of--which--social-sciences--are--a-part-is-necessary-in-order-to
preserve-the-values-of-human-dignity--justice--and--representative-processes?
Social---sciences---include-anthropology--economics--geography--government
history-philosophy-political-science-psychology-and-sociology?
As-a-result-of-their-schooling-students-will-be-able-to:
understand-and-analyze-comparative--political--and--economic--systems?
with--an--emphasis-on-the-political-and-economic-systems-of-the-United
States?
understand-and-analyze-events-trends--personalities--and--movements
shaping-the-history-of-the-world-the-United-States-and-Illinois?
demonstrate--a--knowledge-of-the-basic-concepts-of-the-social-sciences
and-how-these-help-to-interpret-human-behavior?
demonstrate-a-knowledge-of-world-geography-with-emphasis--on--that--of

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State Goal 27: Understand the role of the arts in civilizations, past and present.

Effective--human--functioning--depends--upon--optimum--physical--development--and health--Education--for--physical--development--and--health--provides--students--with the--knowledge--and--attitudes--to--achieve--healthful--living--throughout--their--lives and--to--acquire--physical--fitness--coordination--and--leisure--skills.

As--a--result--of--their--schooling--students--will--be--able--to-- understand--the--physical--development--structure--and--functions--of--the human--body; understand--principles--of--nutrition--exercise--efficient--management--of emotional--stress--positive--self--concept--development--drug--use--and abuse--and--the--prevention--and--treatment--of--illness; understand--consumer--health--and--safety--including--environmental--health; demonstrate--basic--skills--and--physical--fitness--necessary--to--participate in--a--variety--of--conditioning--exercises--or--leisure--activities--such--as sports--and--dance;

plan--a--personal--physical--fitness--and--health--program; perform--a--variety--of--complex--motor--activities; demonstrate--a--variety--of--basic--life--saving--activities;

in--pursuing--knowledge--in--these--fundamental--areas--students--must--develop--an understanding--of--the--interrelationships--of--knowledge--develop--skills--in--the--use of--electronic--and--other--applicable--technology--and--develop--their--ability--to gather--evaluate--and--synthesize--information--from--a--variety--of--sources;

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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Section 1. APPENDIX E Evaluation Criteria - Student Performance and School Improvement Determination (Repealed)

Glossary of Terms

These definitions are specific to this Appendix E:

Comprehensive--All dimensions of--a--State--Goal--for--bearing--with regard--to--scope--content--specificity--skills--and--type--of--thinking required--are--addressed.

Consultative--Conducted in a manner that solicits input from staff, students, parents, and community.

Diverse--Assessment--Using more--than--one--type--of--assessment--in constructing--a--standard--Types selected as dimensions of a standard must not be exclusively forced--choice/short--answer--(e.g., multiple choice)--true/false--matching--fill in the blank--and--must--be appropriate--to--the--range--and--depth--of--the--content--and--thinking--skills of--a--learning--outcome.

Evidence--The--documented--information--on--which--a--judgment--or conclusion--may--be--based--establishing--the--likelihood--or--probability that--a--claim--is--credible; "compelling evidence" establishes a high likelihood or probability, removing uncertainties or doubts on the part of the evaluator.

Format--Following a purposeful, regulated and documented pattern of activity or form.

Methods of Assessment--Instruments and procedures used to measure student performance in meeting the standards for a learning outcome. These assessments must relate to a learning outcome, identify a particular kind of evidence to be evaluated, define exercises that elicit that evidence, and describe systematic scoring procedures. Methods of assessment are classified here as either forced choice/short answer or complex generated response.

Forced choice/short answer--Students must select correct responses from a range of alternative responses provided in the assessment instrument and/or procedure or supply a word or short phrase to answer a question or complete a statement. Complex generated response--A non-forced choice exercise in which a student provides evidence of specific knowledge or skills. The evidence might be in the form of a written essay performance product or other type of presentation.

Students--Those pupils whose performance is assessed in compliance with the requirements of Subpart A of this Part and this Appendix E. Systematic--Integral to the process for implementing and monitoring improvement in school and student performance and occurring at least annually.

Assignment of Point-Values
for

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School-Improvement-Components

Points--will-be-awarded-to-schools-based-upon-the-evaluation-criteria-set-forth below--The-numbers-in-the-left-margin-represent-the-range-of-point-values which-may-be-assigned-to-a-school-for-each-of-the-areas-listed--In-order-for-a school-to-receive-the-number-of-points-shown-all-conditions-described-in-the corresponding-scoring-criterion-must-exist--The-total-score-for-a-school-will result-in-a-student-performance-and-school-improvement-determination-in accordance-with-the-criteria-shown-in-Appendix-P.

i-Analysis-of-Existing-Conditions

i-1-Description-of-student-population-identification-of significant-groups-in-the-population-relevant-to-learning outcomes-and-consideration-of-attendance-variables

i--There-is-little-or-no-evidence-that-demographic-information-is-maintained-on the-student-population-of-the-school-for-the-purpose-of-identifying significant-groups-in-the-population-of-learners-to-be-monitored-for performance.

2--Demographic-information-on-the-student-population-of-the-school-is-limited-- gender-racial-or-social-economic-groups-or-other-groups-in-the-student population-which-warrant-description-or-emerge-as-a-result-of-analysis-of data-are-identified-- student-attendance-truancy-mobility-retention-and-expulsion-rates-are maintained--Graduation-and-dropout-rates-are-maintained-for-high-schools-- There-is-no-evidence-that-these-performance-indicators-are-consulted-when considering-factors-which-may-affect-student-learning.

3--Demographic-information-on-the-total-population-of-the-school-is-maintained indicating-the-number-and-percent-of-students-at-each-grade-who-are receiving-special-education-services-who-are-receiving-Chapter-1-services who-are-participating-in-a-gifted-program-who-are-participating-in-a vocational-program-who-have-limited-English-proficiency-and-who-are members-of-various-gender-racial-ethnic-socio-economic-or-other-groups which-warrant-description-or-emerge-as-a-result-of-analysis-of-demographic information--Groups-in-the-student-population-which-warrant-description-or emerge-as-a-result-of-analysis-of-data-whose-performance-data-will-be disaggregated-are-identified-- A-rationale-is-documented-for-the-selection-of-identified-groups-within-the student-population-- Student-attendance-truancy-mobility-retention-and-expulsion-rates-are maintained--Graduation-and-dropout-rates-are-maintained-for-high-schools-- These-performance-indicators-are-informally-consulted-when-considering factors-which-may-affect-student-learning.

4--Demographic-information-on-the-total-population-of-the-school-is-maintained

indicating-the-number-and-percent-of-students-at-each-grade-who-are receiving-special-education-services-who-are-receiving-Chapter-1-services who-are-participating-in-a-gifted-program-who-are-participating-in-a vocational-program-who-have-limited-English-proficiency-and-who-are members-of-various-gender-racial-ethnic-socio-economic-or-other-groups which-warrant-description-or-emerge-as-a-result-of-analysis-of-demographic information--Groups-in-the-student-population-which-warrant-description-or emerge-as-a-result-of-analysis-of-data-whose-performance-data-will-be disaggregated-are-identified-- A-rationale-is-documented-for-the-selection-of-identified-groups-within-the student-population-based-on-formal-and-systematic-identification-procedures-- Student-attendance-truancy-mobility-retention-and-expulsion-rates-are maintained--Graduation-and-dropout-rates-are-maintained-for-high-schools-- These-performance-indicators-are-formally-and-systematically-consulted-when considering-factors-which-may-affect-student-learning.

i-2-Perceived-student-needs-derived-from-staff-and/or the-community-and-community-characteristics which-may-affect-student-learning

i--There-is-little-or-no-evidence-that-inquiry-is-conducted-on-the-needs-of students-in-the-school-related-to-learning-outcomes-as-perceived-by-school staff--and-the-school-community-or-on-community-characteristics-which-may affect-student-learning.

2--Evidence-exists-that-information-on-the-needs-of-students-in-the-school related-to-learning-outcomes-as-perceived-by-school-staff-and-the-school community-is-occasionally-and-informally-elicited-- Evidence-exists-that-informal-inquiry-is-conducted-to-explain-how-community characteristics-may-affect-student-learning.

3--Compelling-evidence-exists-that-information-on-the-needs-of-all-students-in the-school-related-to-learning-outcomes-as-perceived-by-school-staff-and school-community-representatives-is-formally-and-systematically-collected-- Evidence-exists-that-informal-inquiry-is-conducted-to-explain-how-community characteristics-may-affect-student-learning--or Characteristics-may-affect-student-learning--or Evidence-exists-that-information-on-the-needs-of-all-students-in-the-school related-to-learning-outcomes-as-perceived-by-school-staff-and-school community-representatives-is-occasionally-and-informally-elicited-- Compelling-evidence-exists-that-formal-inquiry-is-conducted-to-explain-how community-characteristics-may-affect-student-learning.

4--Compelling-evidence-exists-that-information-on-the-needs-of-all-students-in the-school-related-to-learning-outcomes-as-perceived-by-school-staff-and school-community-representatives-is-formally-and-systematically-collected-- Compelling-evidence-exists-that-formal-inquiry-is-conducted-to-explain-how community-characteristics-may-affect-student-learning.

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2--Learning-Outcomes--Standards--and-Expectations

2-1--Learning-Outcomes

1--Learning-Outcomes-have-not-been-developed.

2--Comprehensive-learning-outcomes-aligned-with-some-State-Goals--for--learning exist--for-the-school-and-are-written-in-some-fundamental-learning-areas-for at-least-2-grades-for-a-1-8-attendance-center-or-for-at-least-one-grade--for a-middle-school/junior-high/high-school-or-primary-attendance-center-with fewer-than-8-grades.

--The-process-for-developing-learning-outcomes--is--informal--and--limited--in participation--of--school--staff--and-in-communication-with-students--parents and-the-school-community.

--There-is-some-alignment-of-the-curriculum-with-learning-outcomes.

3--Comprehensive-learning-outcomes-aligned-with-all-required-State--Goals--for learning-exist--for-the-school-and-are-written-in-all-fundamental-learning areas-for-at-least-2-grades-for-a-1-8-attendance-center-or-for-at-least-one grade--for-a-middle-school/junior-high/high-school-or-primary-attendance center-with-fewer-than-eight-grades.

--The-process-for-developing-learning-outcomes--is--informal--and--limited--in participation--of--school--staff--and-in-communication-with-students--parents and-the-school-community.

--There-is-some-alignment-of-the-curriculum-with-learning-outcomes.

4--Comprehensive-learning-outcomes--assigned--with--all--the--State--Goals--for learning--areas--for-at-least-2-grades-for-a-1-8-attendance-center-or-for-at least-one-grade-for-a-middle-school/junior-high/high-school-or--primary attendance-center-with-fewer-than-eight-grades.

--Learning-outcomes--address-the-content-of-a-State-Goal(s)-for-learning--are broader-in-focus-than-a-learning-objective--probe-the--range--and--depth--of thinking--skills--appropriate--to--the--State--Goal(s)-for-learning--and-are amenable-to-assessment.

--The-process-for-developing-learning-outcomes--includes--a--systematic--review cycle--and--includes--participation--of--school-staff-and-communication-with students--parents--and-the-school-community--in--the--deliberative--process. Both--the--rationale--for--this--process--and-the-rationale--for--the--resulting learning-outcomes--are-evident.

--There-is-formal-and-systematic-alignment-of--the--curriculum--with--learning outcomes.

5--Comprehensive--learning--outcomes--aligned-with-all-State-Goals-for-learning exist-for-the-school-and-are-written-in-all-fundamental-learning-areas--for at-least-508-of-the-grades-at-the-attendance-center.

--learning-outcomes--address--the--content-of-State-Goal(s)-for-learning--are broader-in-focus-than-a-learning-objective--probe-the--range--and--depth--of thinking--skills--appropriate--to--the--State--Goal(s)-for-learning--and-are

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amenable-to--assessment.--Some--learning--outcomes--integrate--fundamental learning-areas-when-appropriate-and-reflect-problems-and-tasks--outside--the classroom.

--The-process--for--developing-learning-outcomes--includes--a--systematic--review cycle--and--includes--participation--of--school--staff--and--communication--with students--parents--and--the--school-community--in--the--deliberative--process. Both--the--rationale--for--this--process--and--the--rationale--for--the--resulting learning-outcomes--are-evident.

--There--is--formal--and--systematic--alignment--of--the--curriculum--with--learning outcomes.

6--For-elementary--middle--schools--and--junior--high--schools--comprehensive learning--outcomes--aligned-with-all-State-Goals-for-learning--are-written-in all-fundamental-learning-areas-for-all-grades.

--For-high-schools--learning-outcomes--assigned--with--the--State--Goals--for learning--are--written-in-all-fundamental-learning-areas--where-is comprehensive-coverage-of-all-State-Goals-for-learning--in--all--fundamental learning-areas-throughout-the-scope-of-the-high-school-program.

--Learning-outcomes--address--the--content-of-State-Goal(s)-for-learning--are broader-in-focus-than-a-learning-objective--probe-the--range--and--depth--of thinking--skills--appropriate--to--the--State--Goal(s)-for-learning--and-are amenable-to-assessment.--Learning-outcomes--integrate--fundamental--learning areas-when-appropriate-and-reflect-problems-and-tasks--outside--the-classroom.

--The-process--for--developing-learning-outcomes--includes--a--systematic--review cycle--and--includes--participation--of--school--staff--and--communication--with students--parents--and--the--school-community--in--the--deliberative--process. Both--the--rationale--for--this--process--and--the--rationale--for--the--resulting learning-outcomes--are-evident.

--There--is--formal--and--systematic--alignment--of--the--curriculum--with--learning outcomes.

2-2--Standards

1--Standards-for-the-school-do-not-exist-for-learning-outcomes.

2--Standards-for-the-school-exist-for-some-learning-outcomes-and-are-stated--in a-manner--which--demarcates--whether--a--students--is-to-be-included--in-the expectation-group--i.e., the-percentage-of--students--who--are--expected--to achieve--the-learning-outcome.

3--Standards--for--the--school--exist--for--all--learning-outcomes--and--are--written--as a-cut-score-on-a-single-assessment-instrument-or-procedure--or-on-items--from a-single-assessment-instrument-or-procedure.

--Points-awarded-for-learning-outcomes-(2-1)-are-three-(3)-or-more.

--There-is-a-formal-and-consultative-process-for-setting-standards--Both--the rationale--for--this--process--and--the-rationale--for--the-standards--are-evident.

4--Standards--exist--for--the--school--for--all--learning-outcomes--in--all--fundamental

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3--Assessment-Systems

- 3-1-Coordination-of-assessment-instruments-and-procedures-with-learning-outcomes
- 1--Learning-outcomes-for-the-school-are-not-assessed-by-assessment-instruments and-procedures.
- 2--Some-learning-outcomes-for-the-school-in-all-required-fundamental-learning areas-are-assessed-by-assessment-instruments-and-procedures-administered-at-least-at-benchmark-grades.
- 1--Points-awarded-for-standards-(2-2)-are-two-(2)-or-more.
- 3--Some-learning-outcomes-for-the-school-for-all-fundamental-learning-areas-are assessed-by-a-variety-of-assessment-instruments-and-procedures-that-address the-scope-content-and-specificity-of-the-learning-outcome.
- 1--Points-awarded-to-students-at-least-at-benchmark-grades.
- 1--Points-awarded-for-standards-(2-2)-are-four-(4)-or-more.
- 1--The-rationale-for-choosing-or-developing-each-instrument-or-procedure-for the-school-is-evident.
- 4--All-learning-outcomes-for-the-school-in-all-fundamental-learning-areas-are assessed-by-a-variety-of-assessment-instruments-and-procedures-that-address the-scope-content-and-specificity-of-the-learning-outcome.
- 1--Assessment-instruments-and-procedures-are-clearly-diverse-in-type-for-all standards-for-learning-outcomes.
- 1--Points-awarded-for-standards-(2-2)-are-five-(5)-or-more.
- 1--The-rationale-for-choosing-or-developing-each-instrument-or-procedure-is evident.
- 3-2-Validity-of-Assessment-Instruments-and-Procedures
- 1--Where-is-little-or-no-evidence-that-assessment-instruments-and-procedures used-to-measure-student-achievement-for-learning-outcomes-will-produce student-performance-results-which-are-valid-measures-of-the-learning outcomes.
- 2--Claims-for-content-validity-are-documented-for-all-instruments-and-procedures-used-to-measure-student-achievement-of-learning-outcomes-for-the school.
- 1--Where-is-evidence-that-there-are-instruments-and-procedures-sufficient-to measure-all-learning-outcomes-and
- 1--That-assessment-instruments-and-procedures-measure-knowledge-and-skills beyond-specific-tasks-or-questions-to-provide-accurate-information-for making-judgments-about-the-progress-of-students-toward-achieving-learning outcomes.
- 3--Claims-for-content-validity-are-documented-for-all-instruments-and

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- learning-areas-and-are-written-as-cut-scores-or-minimum-criteria-on-a variety-of-assessment-instruments-or-procedures-that-address-the-scope content-and-specificity-of-the-learning-outcome.
- 1--Points-awarded-for-learning-outcome.
- 1--Where-is-a-formal-consultative-process-for-the-school-for-setting standards--Both-a-rationale-for-this-process-which-includes-consultation-of previous-performance-data-and-a-rationale-for-the-standards-are-evident.
- 5--Standards-exist-for-the-school-for-all-learning-outcomes-in-all-fundamental learning-areas-and-are-written-as-cut-scores-or-minimum-criteria-on-a variety-of-assessment-instruments-or-procedures-that-address-the-scope content-and-specificity-of-the-learning-outcome.
- 1--Points-awarded-for-learning-outcomes-(2-1)-are-five-(5)-
- 1--Where-is-a-formal-consultative-process-for-the-school-for-setting standards--Both-a-rationale-for-this-process-which-includes-consultation-of previous-performance-data-and-a-rationale-for-the-standards-are-evident.
- 6--Standards-exist-for-the-school-for-all-learning-outcomes-in-all-fundamental learning-areas-and-are-written-as-cut-scores-or-minimum-criteria-on-a variety-of-assessment-instruments-or-procedures-that-address-the-scope content-and-specificity-of-the-learning-outcome.
- 1--Points-awarded-for-learning-outcomes-(2-1)-are-six-(6)-
- 1--Where-is-a-formal-consultative-process-for-the-school-for-setting standards--Both-a-rationale-for-this-process-which-includes-consultation-of previous-performance-data-and-a-rationale-for-the-standards-is-evident.
- 2-3-Expectations
- 1--Expectations-have-not-been-established-for-the-school.
- 2--Expectations-exist-for-the-school-for-learning-outcomes-in-some-fundamental learning-areas-in-the-form-of-the-percent-of-students-expected-to-achieve learning-outcomes.
- 1--Points-awarded-for-standards-(2-2)-are-two-(2)-or-more.
- 3--Expectations-exist-for-the-school-for-each-learning-outcome-in-each fundamental-learning-area-in-the-form-of-the-percent-of-students-expected-to meet-the-standard-for-that-learning-outcome.
- 1--Points-awarded-for-standards-(2-2)-are-three-(3)-or-more.
- 1--Where-is-a-process-for-the-school-for-establishing-expectations-and-a rationale-for-this-process.
- 4--Expectations-exist-for-the-school-for-each-learning-outcome-in-each fundamental-learning-area-in-the-form-of-the-percent-of-students-expected-to meet-the-standard-for-that-learning-outcome.
- 1--Points-awarded-for-standards-(2-2)-are-four-(4)-or-more.
- 1--Where-is-a-formal-systematic-and-consultative-process-for-the-school-for establishing-expectations-and-a-rationale-for-this-process.

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procedures-used-to-measure-student-achievement-of-learning-outcomes-for--the school;
 1--There-is-compelling-evidence-that-these-are-instruments-and-procedures-used to-set-standards-for-achievement-of-learning-outcomes-for-the-school;
 2--That-assessment-instruments-and-procedures-measure-knowledge-and-skills beyond-specific-tasks--or-questions--to-provide-accurate-information-for making-judgments-about-the-progress-of-students--toward-achieving-learning outcomes;

3-3-Reliability-of-assessment-instruments-and-procedures

1--Reliability-claims-are-documented-for-assessment-instruments-and-procedures used-to-set-standards-for-achievement-of-learning-outcomes--for--the--school for-some-but-not-all-assessment-instruments-and-procedures;
 2--There-is-no-evidence-that-these-instruments-and-procedures-are-administered, scored, and interpreted-in-a-uniform-manner;

2--Reliability-claims-are-documented-for-assessment-instruments-and-procedures used-to-set-standards-for-achievement--of--all--learning--outcomes--for--the school-in-all-required-fundamental-learning-areas;
 3--Evidence-is-provided-that-these-instruments-and-procedures-are-administered, scored, and interpreted-in-a-uniform-manner;

3--Reliability-claims-are-documented-for-assessment-instruments-and-procedures used-to-set-standards-for-achievement--of--all--learning--outcomes--for--the school-in-all-fundamental-learning-areas;

4--Formal-procedures-are-documented-for-the-administration--scoring, and interpretation-of-all-assessment-instruments-and-procedures--in--a--uniform manner;

3-4-Nondiscriminatory-assessment-instruments-and-procedures

1--There-is-no-evidence-that-steps-have-been-taken-to-ensure-that-instruments and-procedures-used-to-set-standards-for-learning-outcomes--for--the--school are-nondiscriminatory--regarding--race, or--gender--differences--or--student disabilities;

2--Evidence-is-provided--in--the--claims--for--nondiscrimination--regarding race/ethnic--and--gender--differences--and--student--disabilities--for--all assessment-instruments-and-procedures-used-to-set-standards-for--achievement of-learning-outcomes;

4-Analysis-of-Student-Performance-Data

4-1-Data-sufficiency-for-decision-making

1--Data--for--the--school--are-insufficient-to-make-decisions-regarding-student progress-for-each-learning-outcome;

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2--Limited-data-are-available-for-the-school-for-the-most-recent-academic--year that--are--based--on--results--from--valid--reliable--and-nondiscriminatory assessment-instruments-and-procedures-and-that-are-used--to--make--decisions regarding--student-performance-relative-to-learning-outcomes,--including--data for-any-groups-in-the-student-population-identified--for--disaggregate--data analysis;
 3--These--data--for--the--school--are-used-to-establish-current-and-prior-years-- student-performance-in-all-fundamental-learning-areas;

3--Data-available-for-the-school-for-the-most-recent-academic-year-are-based-on results-from-a-variety-of-valid, reliable, and nondiscriminatory--assessment instruments--and-procedures-and-are-used-to-make-decisions-regarding-student performance-relative-to-each-learning-outcome;

4--The-data-set-for-the-school-is-sufficient--in--its--description--of--student performance--in--meeting--the--standard--for--each-learning-outcome--and--includes data-for-groups--in--the--student-population-identified--for--disaggregate--data analysis--for--the--most-recent-academic-year;

5--All--students--in--the--school--at--least--in--the--benchmark-grades--or--in--the instructional-group-are-accounted-for;

6--Current-and-prior-years--student-performance-data-relative-to-early-learning outcome-have-been-exhibited;

4-2-Compilation-and-analysis-of-assessment-data

1--There-is-little-or-no-systematic-collection--comparison--or--weighting--of assessment-data-for-the-school--not-is-there-an-indication-of-the-percent-of students--who--met--standards--for-learning-outcomes-for-fundamental-learning areas;

2--There-is-systematic-collection--comparison-and-weighting-of-assessment--data for--the--school--with--an--indication--of--the--percent--of--students--who--met standards-for-some--but--not--all--learning--outcomes--for--all--fundamental learning-areas;

3--Points-awarded-for-standards-(2-2)-are-two-(2)-or-more;

4--There-is-systematic-collection--comparison-and-weighting-of-assessment-data for-the-school-with-an-indication--of--the--percent--of--students--who--met standards-for-all-learning-outcomes-for-all-fundamental-learning-areas;

5--Points-awarded-for-standards-(2-2)-are-four-(4)-or-more;

6--A-process-for-identifying-strengths-and-weaknesses-of-student-performance relative-to-all-learning-outcomes--and--for-groups-identified--for--data disaggregation-is-evident;

7--There-is-systematic-collection--comparison-and-weighting-of-assessment-data for-the-school-with-an-indication--of--the--percent--of--students--who--met standards-for-all-learning-outcomes-in-all-fundamental-learning-areas;

8--Points-awarded-for-standards-(2-2)-are-four-(4)-or-more;

9--A-formal-process-for-identifying-strengths-and-weaknesses-of-student

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performance relative to all learning outcomes for the total population and for groups identified for data disaggregation is evident.

5-Evaluation of Student Performance and School Programs

5-1-Evaluation of student performance by standard

1--There is little or no evidence that student performance in meeting standards for learning outcomes is improving over time in the fundamental learning areas.

2--There is evidence that improvement in student performance in meeting standards for learning outcomes has occurred over time in some fundamental learning areas.

1--Points awarded for standards (2-2) are (2) or more.

3--There is evidence that improvement in student performance in meeting standards for learning outcomes has occurred over time in each fundamental learning area for the student population and for groups in the student population identified for disaggregate data analysis.

1--Points awarded for standards (2-2) are three (3) or more.

1--Points awarded for data sufficiency (4-1) are two (2) or more.

4--There is evidence the improvement in student performance in meeting standards for learning outcomes has occurred over time in each fundamental learning area for the student population and for groups in the student population identified for disaggregate data analysis.

1--Points awarded for standards (2-2) are four (4) or more.

1--Points awarded for data sufficiency (4-1) are three (3) or more.

5--There is compelling evidence that improvement in student performance in meeting standards for learning outcomes has occurred over time in each fundamental learning area for the student population and for groups in the student population identified for disaggregate data analysis.

1--Student performance in meeting standards for learning outcomes has been maintained relative to those standards for learning outcomes where improvement was not evidenced.

1--Points awarded for standards (2-2) are five (5) or more.

1--Points awarded for data sufficiency (4-2) are three (3) or more.

6--There is compelling evidence that improvement in student performance in meeting standards for learning outcomes has occurred over time for a majority of learning outcomes in each fundamental learning area for the student population and for groups in the student population identified for disaggregate data analysis.

1--Student performance in meeting standards for learning outcomes has been maintained relative to those standards for learning outcomes where improvement was not evidenced.

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1--Points awarded for standards (2-2) are five (5) or more.

1--Points awarded for data sufficiency (4-1) are three (3).

4--Point values 2 through 6 will be doubled in calculating the total points for a school.

5-2-Program evaluation

1--There is little or no evidence of program evaluation for the school based on student performance on learning outcomes.

2--Evidence exists that there is program evaluation for the school that identifies probable causes for students failure to meet standards for learning outcomes (if applicable).

1--There is no evidence of formal program evaluation that identifies probable causes for the failure of students in groups identified for disaggregate data analysis to meet standards for learning outcomes (if applicable).

3--Evidence exists that there is formal program evaluation for the school that identifies probable causes for students failure to meet standards for learning outcomes (if applicable).

1--Evidence exists that there is formal program evaluation for the school that identifies probable causes for the failure of students in groups identified for disaggregate data analysis to meet standards for learning outcomes (if applicable).

4--Compelling evidence exists that there is formal program evaluation for the school that identifies probable causes for students failure to meet standards for learning outcomes (if applicable).

1--Compelling evidence exists that there is formal program evaluation that identifies probable causes for the failure of students in groups identified for disaggregate data analysis to meet standards for learning outcomes (if applicable).

1--Consideration is given to proposals for what can be done differently to better identify probable causes for students failure to meet standards for learning outcomes.

6-Review of Expectations and Implementation of Activities to Increase Student Performance

6-1-Annual review of expectations

1--Expectations which exist for the school are not subject to annual review.

2--Expectations which exist for the school are subject to annual review and revision if warranted based on student performance data and data trends for the school.

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3--Expectations--which--exist--for--the--school--are--subject--to--review/revision through--a--systematic--format--and--consultative--process--utilizing--student performance--data--and--data--trends--for--the--school;

6-2 Activities--planned--to--increase--student--performance--to--meet new--or--existing--expectations--and--consideration--of--changes--in demographic--or--instruction--in--establishing--expectations

1--There--is--little--or--no--evidence--that--changes--in--curriculum--instruction--staff--development--organizational--structure--etc--for--the--school--will--be implemented--in--order--to--improve--the--achievement--of--students--in--meeting standards--for--learning--outcomes--or--to--effect--other--improvements--in--student learning--at--the--school;

--There--is--little--or--no--evidence--of--planned--strategies--for--improving--the performance--of--students--in--the--school--who--have--not--met--standards--for learning--outcomes--for--the--school;

--There--is--little--or--no--evidence--of--planned--strategies--for--improving--student attendance--truancy--graduation--rates--or--the--climate--of--the--school--to enhance--instructional--efforts;

2--There--is--evidence--that--changes--in--curriculum--instruction--staff development--organizational--structure--etc--will--be--implemented--for--the school--in--order--to--improve--the--achievement--of--students--in--meeting--standards for--learning--outcomes--or--to--effect--other--improvements--in--student--learning--at the--school;

--These--changes--are--not--systematic--and--are--not--directed--by--student--performance data--for--the--school;

--There--are--no--formally--planned--strategies--for--improving--the--performance--of students--who--have--not--met--standards--for--learning--outcomes--for--the--school;

--Informal--consideration--is--given--to--possible--changes--in--demographics--and instruction;

--There--is--evidence--of--planned--strategies--for--improving--student--attendance truancy--graduation--rates--or--the--climate--of--the--school--to--enhance instructional--efforts;

3--There--is--compelling--evidence--that--changes--in--curriculum--instruction--staff development--organizational--structure--etc--for--the--school--will--be implemented--in--order--to--improve--the--achievement--of--students--in--meeting standards--for--learning--outcomes--or--to--effect--other--improvements--in--student learning--at--the--school;

--These--changes--are--not--systematic--but--are--developed--with--consultation--of student--performance--data--for--the--school;

--There--are--planned--strategies--for--improving--the--performance--of--students--who have--not--met--standards--for--learning--outcomes--for--the--school;

--Informal--consideration--is--given--to--possible--changes--in--demographics--and instruction;

--There--is--evidence--of--planned--strategies--for--improving--student--attendance truancy--graduation--rates--or--the--climate--of--the--school--to--enhance

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instructional--efforts;

4--There--is--compelling--evidence--that--changes--in--curriculum--instruction--staff development--organizational--structure--etc--for--the--school--will--be implemented--in--order--to--improve--the--achievement--of--students--in--meeting standards--for--learning--outcomes--or--to--effect--other--improvements--in--student learning--at--the--school;

--These--changes--are--systematic--and--are--directed--by--student--performance--data for--the--school;

--There--are--formally--planned--strategies--for--improving--the--performance--of students--who--have--not--met--standards--for--learning--outcomes--for--the--school;

--Formal--consideration--is--given--to--possible--changes--in--demographics--and instruction;

--There--is--compelling--evidence--of--formally--planned--strategies--for--improving student--attendance--truancy--graduation--rates--or--the--climate--of--the--school to--enhance--instructional--efforts;

7-Reporting-to-the-Public

7-1-Regular-communication-is-conducted-with-the-school-board,
parents-of-students-and-local-media-on-student
progress-towards-meeting-the-standards-for
achieving-learning-outcomes

1--There--is--no--evidence--of--regular--communication--with--the--school--board--parents of--students--and--local--media--on--student--progress--towards--meeting--the standards--for--achieving--learning--outcomes;

2--Information--describing--how--students--of--the--school--are--being--served--and--how well--they--are--achieving--relative--to--standards--for--learning--outcomes--is available;

--Some--audiences--are--addressed--partial--information--is--presented--in--some communication--formats;

--There--is--no--evidence--that--procedures--are--in--place--to--help--audiences--to understand--the--information--provided;

3--Information--describing--how--students--of--the--school--are--being--served--and--how well--they--are--achieving--relative--to--standards--for--learning--outcomes--is available;

--All--audiences--are--addressed--and--timetables--are--established--for--releasing information--to--audiences;

--People--are--identified--to--provide--information--on--student--progress--toward meeting--standards--for--achieving--learning--outcomes;

--Information--is--complete--in--all--communication--formats;

--There--is--evidence--that--limited--procedures--are--in--place--to--help--audiences--to understand--the--information--provided;

4--Information--describing--how--students--of--the--school--are--being--served--and--how

STATE BOARD OF EDUCATION
NOTICE OF PROPOSED AMENDMENT

Section 1. APPENDIX F Criteria for Determination - Student Performance and School Improvement (Repealed)

The points awarded to a school pursuant to the criteria specified in Appendix B to this Part will be totaled to arrive at the school's score. This total score will correspond to the school's student performance and school improvement determination as set forth below:

Prior to October 17, 1995, the following point ranges will apply:

Does Not Meet Student Performance and School Improvement Standards	16---26
Does Not Fully Meet Student Performance and School Improvement Standards	27---31
Meets Student Performance and School Improvement Standards	32---64
Exceeds Student Performance and School Improvement Standards	65---70
Beginning on October 17, 1995, the following point ranges will apply:	
Does Not Meet Student Performance and School Improvement Standards	16---40
Does Not Fully Meet Student Performance and School Improvement Standards	41---49
Meets Student Performance and School Improvement Standards	50---64
Exceeds Student Performance and School Improvement Standards	65---70

(Source: Repealed at 22 Ill. Reg. _____, effective _____)

STATE BOARD OF EDUCATION
NOTICE OF PROPOSED AMENDMENT

well--they--are--achieving--relative--to--standards--for--learning--outcomes--is available:
---All audiences are addressed and timetables are established for releasing information to audiences.
---Information is complete in all reporting formats for various publics.
---Systematic procedures are in place to assist the audiences interpret and understand the information provided.
---Appropriate training is provided for these people responsible for providing information on student progress in meeting standards for learning outcomes.

(Source: Repealed at 22 Ill. Reg. _____, effective _____)

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

Section 1.APPENDIX G Criteria for Determination - State Assessment (Repealed)

Score-Ranges-for-Reading-by-Grade

	Does-Not Meet-State Standards	Meets State Standards	Exceeds State Standards
Grade-3	0---176	177---337	338---500
Grade-6	0---108	109---337	338---500
Grade-8	0---105	106---325	326---500
Grade-10	0---177	178---313	314---500

Score-Ranges-for-Writing-by-Grade

	Does-Not Meet-State Standards	Meets State Standards	Exceeds State Standards
Grade-3	6---14	15---21	22---32
Grade-6	6---17	18---23	24---32
Grade-8	6---20	21---26	27---32
Grade-10	6---25	26---29	30---32

Score-Ranges-for-Mathematics-by-Grade

	Does-Not Meet-State Standards	Meets State Standards	Exceeds State Standards
Grade-3	0---153	154---349	350---500
Grade-6	0---165	166---347	348---500
Grade-8	0---176	177---351	352---500
Grade-10	0---176	177---322	323---500

Score-Ranges-for-Social-Sciences-by-Grade

	Does-Not Meet-State Standards	Meets State Standards	Exceeds State Standards
Grade-4	0---157	158---305	306---500
Grade-7	0---135	136---295	296---500
Grade-11	0---121	122---321	322---500

STATE BOARD OF EDUCATION

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Score-Ranges-for-Science-by-Grade

	Does-Not Meet-State Standards	Meets State Standards	Exceeds State Standards
Grade-4	0---123	124---206	207---500
Grade-7	0---161	162---295	296---500
Grade-11	0---105	106---326	327---500

(Source: Repealed at 22 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: School Technology Program
- 2) Code Citation: 23 Ill. Adm. Code 575
- 3) Section Numbers:

575.10	Amendment
575.100	New Section
575.200	New Section
575.300	New Section
575.400	New Section
575.500	New Section
575.600	New Section
575.700	New Section
- 4) Statutory Authority: 105 ILCS 5/2-3.117a
- 5) A Complete Description of the Subjects and Issues Involved: P.A. 90-548, effective January 1, 1998, creates a revolving loan fund for school technology purposes. Starting with the 1998-1999 school year, the State Board is authorized to make loans available to school districts with certain grade levels in each year of the program to be used for "technology hardware investments for students and staff." The proposed rulemaking defines eligible expenditures, sets a maximum amount per pupil in the eligible grade levels that can be requested by a school district, and provides for application procedures. It is proposed that the loan period each fiscal year be from July 1 through March 1. The proposed rulemaking limits a single loan request to \$6 million or less per year and proposes that a school district only receive approval for one loan per year.

- 6) Will this proposed rule replace an emergency rule currently in effect?
Yes

All complete applications that demonstrate compliance with the law and this rulemaking are proposed to be approved for funding on a first come, first served basis, when sufficient funds are available. Should amounts requested in the loan applications exceed the amount available in the fund, the equalized assessed valuation (EAV) per pupil by district type will be used to determine approval. The rules propose that otherwise eligible requests that are not funded due to a shortage of funds be given priority consideration the next time those grade levels are to be eligible.

The rulemaking ensures that a district receiving a loan will use it in a timely way for the purposes stated in the application by requiring that the loan proceeds be obligated within six months after receipt. The rulemaking also stipulates repayment procedures and penalties in the case of late payments or default.

- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-3950

- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1998
- The text of the proposed amendments is identical to that of the emergency amendments in this issue of the Illinois Register found at page 959.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICED OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Collection Agency Act
- 2) Code Citation: 68 Ill. Adm. Code 1210
- 3) Section Numbers: Proposed Action:
1210.235 Amendment
- 4) Statutory Authority: Collection Agency Act [225 ILCS 425].
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 89-387, reauthorizing the Collection Agency Act, changed collection agency license renewals from every two years to every three years. This proposed rule implements this provision.
- 6) Will these proposed amendments replace emergency rules currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.
- 11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield IL 62786
217/785-0813

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Licensed collection agencies.
- B) Reporting, bookkeeping or other procedures required for compliance:
None
- C) Types of professional skills necessary for compliance: None

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICED OF PROPOSED AMENDMENTS

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1997

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICED OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1210
 COLLECTION AGENCY ACT

Section	Definitions
1210.10	Officer
1210.20	Application for Registration
1210.25	Harassment Defined (Repealed)
1210.30	Section 9.21 of Act Defined (Repealed)
1210.40	Posing as an Attorney (Repealed)
1210.50	Communication by Agency
1210.60	Use of Pseudonyms
1210.70	Doing Business at More Than One Office or Location
1210.80	Additional Office or Change of Location of Office
1210.90	Notices (Repealed)
1210.100	Change of Ownership
1210.105	Termination or Change in Registration
1210.110	Address for Notice (Repealed)
1210.120	Use of Street Addresses (Repealed)
1210.130	Records and Documents to be Kept by Collection Agency
1210.140	Recording of Payments
1210.150	Multiple Creditors
1210.160	Availability of Books, Records, Forms and Stationery
1210.170	Accounting and Remitting Collected Funds
1210.180	Creditor Accounts
1210.190	Trust Accounts (Repealed)
1210.200	Notice for Hearing (Repealed)
1210.210	Procedures for Hearing (Repealed)
1210.220	Default Disposition of a Hearing (Repealed)
1210.230	Renewals
1210.235	Granting Variances
1210.240	Construction of Rules and Regulations (Repealed)
1210.250	

AUTHORITY: Implementing Section 13 of the Collection Agency Act [225 ILCS 425] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Collection Agency Act, effective December 3, 1976; codified at 5 Ill. Reg. 11025; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; transferred from Chapter I, 68 Ill. Adm. Code 210 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1210 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988,

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICED OF PROPOSED AMENDMENTS

at 12 Ill. Reg. 2919; amended at 17 Ill. Reg. 1535, effective January 25, 1993; amended at 22 Ill. Reg. _____, effective _____.

Section 1210.235 Renewals

- a) Every certificate of registration issued under the Act shall expire on May 31, 2000 and every three years thereafter. ~~of each--odd--numbered year~~ The holder of a certificate of registration may renew the certificate during the month preceding the expiration date by paying the required fee.
- b) It is the responsibility of each registrant to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.
- c) Practicing or offering to practice on a certificate of registration which has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 9 of the Act.

(Source: Amended at 22 Ill. Reg. _____, effective _____,)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

1) Heading of the Part: Contract Procurement

2) Code Citation: 44 Ill. Adm. Code 660

3) Section Numbers: Proposed Action:

660.10 New Section
 660.20 New Section
 660.30 New Section
 660.40 New Section
 660.50 New Section
 660.60 New Section
 660.70 New Section
 660.80 New Section
 660.90 New Section
 660.100 New Section
 660.110 New Section
 660.120 New Section
 660.130 New Section
 660.140 New Section
 660.150 New Section
 660.160 New Section
 660.170 New Section
 660.180 New Section
 660.190 New Section
 660.200 New Section
 660.210 New Section
 660.220 New Section
 660.230 New Section
 660.240 New Section
 660.250 New Section
 660.260 New Section
 660.270 New Section
 660.280 New Section
 660.290 New Section
 660.300 New Section
 660.310 New Section
 660.320 New Section
 660.330 New Section
 660.340 New Section
 660.350 New Section
 660.360 New Section
 660.370 New Section
 660.380 New Section
 660.390 New Section
 660.400 New Section
 660.410 New Section
 660.420 New Section
 660.430 New Section

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660.440 New Section
 660.450 New Section
 660.460 New Section
 660.470 New Section
 660.480 New Section
 660.490 New Section
 660.500 New Section
 660.510 New Section
 660.520 New Section
 660.530 New Section
 660.540 New Section
 660.550 New Section
 660.560 New Section
 660.570 New Section
 660.580 New Section
 660.590 New Section
 660.600 New Section
 660.610 New Section
 660.620 New Section
 660.630 New Section
 660.640 New Section
 660.650 New Section
 660.660 New Section
 660.670 New Section
 660.680 New Section
 660.690 New Section
 660.700 New Section
 660.710 New Section
 660.720 New Section
 660.730 New Section
 660.740 New Section
 660.750 New Section

4) Statutory Authority: Implementing Sections 1-1 through 99-5 of, and authorized by Section 5-25 of, the Illinois Procurement Code [30 ILCS 500], effective July 1, 1998.

5) A complete description of the subjects and issues involved: This rulemaking implements and applies the requirements contained in the Illinois Procurement Code, 30 ILCS 500, effective July 1, 1998, as they affect the contract procurement procedures of the Department.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference? No

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED RULES

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER IX: DEPARTMENT OF TRANSPORTATION

PART 660
CONTRACT PROCUREMENT
SUBPART A: GENERAL

Section	
660.10	Authority
660.20	Policy
660.30	Purpose and Policy Interpretations
660.40	Definitions

SUBPART B: PUBLICATION OF PROCUREMENT INFORMATION

Section	
660.50	Transportation Bulletin
660.60	Subscription Fees
660.70	Direct Solicitation

SUBPART C: METHODS OF PROCUREMENT

Section	
660.80	Competitive Sealed Bids
660.90	Competitive Sealed Proposals
660.100	Small Contracts
660.110	Sole Source Contracts
660.120	Emergency Contracts

SUBPART D: COMPETITIVE SEALED BID PROCEDURES

Section	
660.130	General Conditions for Use
660.140	Invitations for Bids
660.150	Amendments to Invitations for Bids
660.160	Preparation of Bids
660.170	Delivery of Bids
660.180	Change or Withdrawal of Bids
660.190	Combination Bids for Construction Contracts
660.200	Pre-Bid Conferences
660.210	Public Opening of Bids
660.220	Consideration of Bids
660.230	Mistakes
660.240	Award After Bid Evaluation
660.250	Split and Multiple Awards

DEPARTMENT OF TRANSPORTATION
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9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will not affect units of local government or not-for-profit corporations.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

Mr. Jon E. Tweedt, Deputy Chief Counsel
Illinois Department of Transportation
Room 311
2300 S. Dirksen Parkway
Springfield, Illinois 62764
(217)782-3215

Comments received within forty-five days after the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis: Small businesses will be affected by this Part the same as any business that bids on a contract let by the Department. No reporting is necessary by small businesses and no professional skills are necessary for compliance with this Part.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The Code was signed into law on February 6, 1998, after publication of the Department's January 1998 regulatory agenda.

The full text of the Proposed Rules(s) begins on the next page:

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NOTICE OF PROPOSED RULES

660.260 Time for Award
660.270 Delay in Award
660.280 Binding Contract
660.290 Requirement of Contract Bond for Construction Contracts
660.300 Execution of Contract
660.310 Publication of Contracts

SUBPART E: COMPETITIVE SEALED PROPOSAL PROCEDURES

Section
660.320 General Conditions for Use
660.330 Request for Proposals
660.340 Delivery of Proposals
660.350 Evaluation of Proposals
660.360 Discussions with Responsible Offerors
660.370 Award
660.380 Publication of Contracts

SUBPART F: PROTESTS

Section
660.390 Application
660.400 Interested Party
660.410 Subject of the Protest
660.420 Filing of a Protest
660.430 Stay of Action during Protest
660.440 Decision

SUBPART G: SPECIFICATIONS

Section
660.450 Standard Specifications
660.460 Contract Documents
660.470 Specification Standards

SUBPART H: SUSPENSION OF CONTRACTORS

Section
660.480 Purpose
660.490 Definitions
660.500 Policy
660.510 General
660.520 Causes for Suspension
660.530 Interim Suspension
660.540 Voluntary Exclusion
660.550 Term of Suspension
660.560 Coverage
660.570 Other Agency Suspensions

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660.580 Responsibility
660.590 Continuation of Executory Contracts
660.600 Exception Provision
660.610 Notice of Suspension
660.620 Response and Request for Hearing
660.630 Hearing Date and Hearing Officer
660.640 Answer
660.650 Form of Documents
660.660 Computation of Time
660.670 Appearances
660.680 Hearing Procedures
660.690 Determination

SUBPART I: MISCELLANEOUS

Section
660.700 Property Rights
660.710 Federal Requirements
660.720 Intergovernmental Agreements
660.730 No Waiver of Sovereign Immunity
660.740 Written Determinations
660.750 Severability

AUTHORITY: Implementing, and authorized by Section 5-25 of, the Illinois Procurement Code [30 ILCS 500].

SOURCE: Adopted at 22 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 660.10 Authority

a) The Secretary of Transportation is established in the Illinois Procurement Code (the Code) [30 ILCS 500] as the Chief Procurement Officer for all construction and construction-related services contract procurement, for procurement related to the operation of any facility under the jurisdiction of the Illinois Department of Transportation (the Department), and for the procurement of contracts necessary to the provision of any service or activity for which the Department is charged by law. The Secretary has the authority to appoint State Purchasing Officers to carry out the responsibility established in the Illinois Procurement Code. (See Section 1-15.15 of the Code.)

b) With respect to construction and construction-related services, the Department is charged by law with the responsibility for the construction, improvement, maintenance and operation of the State Highway System; the rehabilitation, improvement and construction of

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rail facilities; and the construction, improvement and maintenance of air navigation facilities either on behalf of the State or as agent for units of local government empowered to operate air navigation facilities. In addition, the Department may let contracts for highway construction on highway systems under the jurisdiction of local highway authorities as a condition of the receipt of federal-aid funds or as otherwise provided by law.

- c) Procurements undertaken in accordance with the authority of the Department and subject to the Code will be accomplished in accordance with this Part or the standard procurement rules adopted by the Department of Central Management Services as indicated in the notice of the relevant procurement. All other procurements subject to the Code and committed to the authority of other Chief Procurement Officers therein will be conducted in accordance with the rules adopted by those Chief Procurement Officers. Procurements subject to the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act will be conducted, in all aspects and procedures, including but not limited to prequalification, publication, evaluation, selection, contract formation and amendment, and performance evaluation, in accordance with rules adopted by the Department pursuant to that Act.

Section 660.20 Policy

All Department contract procurements will be accomplished in the most economic and expeditious manner consistent with the principles and practices established in the Code. It is the policy of the Secretary of Transportation, as Chief Procurement Officer for the Department, that all activities of appointed State Purchasing Officers and other designees related to the procurement process maximize the value of the expenditure of public funds in procuring contracts, and that those appointed and designated act in a manner that maintains public trust in the integrity of the process.

Section 660.30 Purpose and Policy Interpretations

This Part is promulgated to guide the Department in implementing the procurement practices applicable to contract procurement established in the Code. All policy and operational interpretations will be made in a manner so as to secure the commercial needs of the State, to protect, safeguard and maintain the integrity of the procurement process, and to maximize the value of the expenditure of public funds. This Part is intended and designed to achieve practical, standard procedural uniformity for procurement undertaken by the Department.

Section 660.40 Definitions

As used throughout this Part, terms defined in the Illinois Procurement Code have the same meaning as in the Code and as further defined below. Each term

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listed in this Section has the meaning set forth below unless its use clearly requires a different meaning. Terms may be defined in particular Sections for use in that Section.

"Bid" - An offer made by a bidder in response to a contract item advertised in an Invitation for Bids.

"Bidder" - Any person or entity that in fact submits a bid.

"Change Order" - A formal, written directive or agreement that amends a contract in order to address contingencies affecting the performance and completion of the contract, including but not limited to such matters as extra work, increases or decreases in quantities, additions or alterations to plans, special provisions or specifications, and adjustments or alterations specifically provided for in the contract.

"Code" - The Illinois Procurement Code [30 ILCS 500].

"Contract" - A written agreement between the Department and the contractor comprising such documents as set forth in each individual agreement, including change orders, and setting forth the obligations of the parties for the performance of the contract.

"Day" - A calendar day.

"Department" - The Illinois Department of Transportation.

"Germane" - In relationship to the modification, alteration or amendment of the terms of a contract by change order, the term "germane" means a change that is related to the original terms of the contract but that is not so substantial a departure from the original as to constitute a new contract.

"Proposal" - A response to a Request for Proposals.

"Responsible" - The capability, integrity and reliability of a bidder, offeror or contractor, in all respects that will assure good faith performance, to undertake and complete fully the requirements of a contract.

"Responsive" - In the context of bidding procedures, the compliance in all meaningful, material respects with the Invitation for Bids.

"Special Provisions" - Additions and revisions to the Standard and Supplemental Specifications applicable to an individual contract.

"Specifications" - The body of directions, provisions, and requirements for performance of prescribed work. Specifications

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includes and may be referred to as the Standard Specifications, which is a Department publication of specifications approved for general application and repetitive use.

"Supplemental Specifications" - Additions and revisions to the Department's Standard Specifications.

SUBPART B: PUBLICATION OF PROCUREMENT INFORMATION

Section 660.50 Transportation Bulletin

- a) The Department is responsible under the Code for publication of its volume of the Illinois Procurement Bulletin. The Department volume is entitled the "Transportation Bulletin." (See Section 15-1 of the Code.)
- b) The Transportation Bulletin is the published source for all Department procurement actions, notices and other information relevant to Department procurement activities undertaken pursuant to this Part.
- c) The Transportation Bulletin may be published in subparts designed to enhance and focus the ability of users to find information relevant to the user's interest.
- d) The Transportation Bulletin or any subpart thereof will be published or updated at least once each month but may be updated more frequently.

Section 660.60 Subscription Fees

The Department reserves the right to charge subscription fees in accordance with Section 15-15 of the Code. The Transportation Bulletin will be made available without charge to prequalified bidders and offerors, and to public libraries within Illinois expressing interest. Access to detailed information contained in the Transportation Bulletin or any subpart may require additional fees.

Section 660.70 Direct Solicitation

Publication of the Transportation Bulletin or any subpart shall not prohibit direct solicitation in addition to publication in order to enhance competition or interest of prospective contractors in particular procurements.

SUBPART C: METHODS OF PROCUREMENT

Section 660.80 Competitive Sealed Bids

Except for those circumstances and methods described in Sections 660.90, 660.100, 660.110 and 660.120, all Department contracts will be procured by competitive sealed bidding in accordance with Section 20-10 of the Code and this Part. (See Section 20-5 of the Code.)

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Section 660.90 Competitive Sealed Proposals

- a) Department contracts may be procured by competitive sealed proposals when the Department determines that competitive sealed bidding is either not practicable or not advantageous to the State. (See Section 20-15(a) of the Code.)

- b) The determination to use competitive sealed proposals will be made in writing on either a contract-by-contract or a category of contracts basis.

- 1) "Practicable" Distinguished From "Advantageous." As used in this Subpart, the term "practicable" means that which may be accomplished or put into practical application, and "advantageous" means an assessment of what is in the State's best interest. Competitive sealed bidding may be practicable, that is, reasonably possible, but not necessarily advantageous, that is, in the State's best interest. Before a contract may be entered into by competitive sealed proposals, the Department will determine in writing that competitive sealed bidding is either not practicable or not advantageous to the State.

- 2) If competitive sealed bidding is not practicable or is not advantageous, competitive sealed proposals may be used. The competitive sealed proposal method differs from competitive sealed bidding in two principal ways. First, it permits discussions with competing offerors and changes in their proposals, including price. Second, it allows comparative evaluations to be made when selecting among acceptable proposals for award of the contract. Where evaluation factors involve the relative abilities of offerors to perform, including degrees of experience or expertise, where the types of supplies or services may require the use of comparative evaluations to evaluate them adequately, or where the type of need to be satisfied involves weighing values other than price alone, or where prior procurement experience indicates that competitive sealed proposals may result in more beneficial contracts for the State, use of competitive sealed proposals is the appropriate procurement method.

- c) Contracts for professional and artistic services governed by the Competitive Selection Procedures adopted by the Illinois Department of Central Management Services are subject to those procedures for procurement.

Section 660.100 Small Contracts

- a) Individual contracts for supplies or services from any one source that do not exceed \$10,000 may be made without notice, competition or use of any other method of procurement prescribed in the Code or this Part. (See Section 20-20(a) of the Code.) Contracts for professional and artistic services that do not exceed \$20,000 for a nonrenewable

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term of not more than one year will be procured in accordance with this Section.

- b) Construction contracts, construction contract change orders and construction-related service contracts that do not exceed \$30,000 may be procured without notice, competition or use of any other method of procurement prescribed in the Code or this Part. (See Section 20-20 of the Code.)

- c) Section 20-20(c) of the Code authorizes the establishment of a threshold higher than the small purchase limit established in the Code for construction contract change orders. The threshold established determines the level above which a method of procurement prescribed in the Code and this Part will be used. Additionally, Section 30-35 of the Code provides that a construction contract change order may cause the obligation or expenditure of funds in excess of the original contract price provided that the subject of the change order is germane to the original contract. Section 30-35 of the Code further establishes the manner in which the amount of additional expenditure or obligation will be determined and authorized by the Department. In order to give full effect to the intention of Section 20-20(c) and the provisions of Section 30-35 of the Code, the Department will approve construction contract change orders and the obligation or expenditure of additional funds in accordance with the following requirements and thresholds.

- 1) A construction contract change order that causes the obligation or expenditure of more than \$30,000 in excess of the contract price will not be authorized unless the object of the change order is germane to the original contract.

- 2) Determination of germaneness and the amount of additional expenditure or obligation thresholds will be determined in accordance with this Part and Section 30-35 of the Code.

- 3) Prior written approval will be made by the Department if the contemplated construction contract change order will cause an expenditure or obligation of funds of more than \$30,000 in excess of the contract price. The written approval will state the reasons for the additional obligation or expenditure and the basis for the germaneness determination.

- 4) For purposes of determining the scope of the change order and the value thereof that is subject to the requirements of this Section, the Department will consider the total net value of all added and deducted work functions related to the object of the change order and the work of the contract to be affected.

- 5) Notice of approved construction contract change orders in excess of \$30,000 will be published in the Transportation Bulletin.

- d) Estimated needs shall not be divided in any manner to avoid the use of an established method of procurement. (See Section 20-20(a) of the Code.)

Section 660.110 Sole Source Contracts

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- a) A contract may be procured from a single source contractor without competition or use of any other method of procurement prescribed in the Code or this Part when the single source contractor is the only economically feasible source capable of providing the services, including professional and artistic services, contemplated or the material or product to be supplied. (See Section 20-25 of the Code.)

- b) A requirement for a particular proprietary item does not justify a sole source procurement if there is more than one potential bidder or offeror authorized to provide that item. Examples of circumstances that could necessitate sole source procurement include but are not limited to:

- 1) when the compatibility of equipment, accessories, replacement parts, or service is a primary consideration;
- 2) when trial use, testing or the development of new technology is the object of the procurement;
- 3) when a sole supplier's item is to be procured for commercial resale;
- 4) when utility services are to be procured;
- 5) when the surety providing a performance bond tenders a completion contractor, acceptable to the Department, to complete a defaulted contract;
- 6) when the item is copyrighted or patented and the item is not available except from the holder of the copyright or patent or service area licensee; and
- 7) when utility, railroad or other private property is to be relocated or otherwise adjusted by the owner to accommodate a Department project.

- c) Change Orders to existing contracts germane to the original contract that are necessary or desirable to complete the project, and that can be best accomplished by the contract holder, may be procured under this Section.

- d) The Department shall publish notice of intent to contract on a sole source basis in the Transportation Bulletin at least 14 days prior to execution of the contract. (See Section 20-25 of the Code.)

Section 660.120 Emergency Contracts

- a) A contract may be procured without the use of any other method of procurement prescribed in the Code or this Part when there exists a threat to public health or safety, or when an immediate contract is needed to repair State property in order to prevent or minimize further loss or damage to State property, or to prevent or minimize serious disruption in State services, including but not limited to completion of a defaulted contract, or to ensure the integrity of State records. (See Section 20-30(a) of the Code.)

- b) For purposes of this Section, State property includes all property both real and personal. State records includes all records regardless of the form of storage. State services include, but are not limited

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to, all activities committed by law to the jurisdiction or responsibility of the Department, whether provided directly or indirectly by means of contract or intergovernmental agreement. Change Orders to existing contracts that are necessary to complete the contract, and that can best be accomplished by the contract holder, may be procured under this Section.

- c) The Department will employ such competition as is practicable under the emergency circumstances to abate the emergency situation, including the use of existing contracts.
- d) Section 20-30(a) of the Code requires a written description of the basis for the emergency and reasons for the selection of the particular contractor to be included in the contract file. Section 20-30 of the Code further requires an affidavit to be filed with the Auditor General setting forth the amount expended, the name of the contractor and the basis for the emergency. For purposes of Department emergency procurements, the Code required affidavits will serve as the Code required written descriptions retained in the contract file, and for purposes of publication notice as required by the Code.

SUBPART D: COMPETITIVE SEALED BID PROCEDURES

Section 660.130 General Conditions for Use

The procedures set forth in this Subpart D will be used for all contracts procured by the Department through the use of competitive sealed bids.

Section 660.140 Invitations for Bids

- a) The process for procuring a contract by competitive sealed bids begins with the issuance of an Invitation for Bids by publication in the Transportation Bulletin not less than 14 days prior to the date set for the opening of bids. (See Section 20-10(c) of the Code.)
- b) The Invitation for Bids may include more than one contract item and will include the following minimum requirements.
 - 1) Instructions and information to bidders concerning the bid submission requirements, including the time and date set for receipt of bids, the address of the office to which bids are to be delivered, the maximum time for bid acceptance, and any other special information. The Invitation for Bids may incorporate documents by reference provided that the Invitation for Bids specifies where such documents can be obtained.
 - 2) A purchase description for each contract item, evaluation factors, delivery or performance schedule, and such inspection and acceptance requirements as are not included in the purchase description.
 - 3) The contract terms and conditions, including warranty and bonding or other security requirements, as applicable.

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- 4) The Invitation for Bids may provide a form that will specify or organize the manner of price submission and that the bidder shall sign and submit along with all other necessary submissions.
- c) For procurements of construction, the Invitation for Bids also will include information and instructions for obtaining all contract specifications, special provisions, plans for the construction contract work and bid forms for individual contract items. Each contract item will include but not be limited to information concerning the location and description of the contemplated construction work, the estimate of the various quantities and kinds of work to be performed, and the materials to be furnished. The contract item will, if required, contain a schedule of items for which unit bid prices are required. Bidders for construction contracts are required to have Authorization to Bid issued in accordance with the Department's rules for Prequalification of Contractors and Issuance of Plans and Proposals found at 44 Ill. Adm. Code 650.

Section 660.150 Amendments to Invitations for Bids

Invitations for Bids may be supplemented, by publication in the Transportation Bulletin, with additional contract items, amended instructions, information, or extensions of any times stated in the invitation. Contract items may be subject to amendment. Amendment to contract items may require that the bidder acknowledge receipt of all amendments issued. Each amendment will reference the contract item it amends. Amendments will be sent to all prospective bidders known to the Department at the time of the amendment.

Section 660.160 Preparation of Bids

- a) Bidders shall follow all instructions included in the Invitation for Bids and bid forms for submission of bids on the contract item for which bids are sought.
- b) Bidders shall submit their bids in the manner required by the Invitation for Bids.
- c) Unless otherwise provided, all prices shall be given in figures. Separate prices shall be entered for all pricing items indicated in the bid form. When alternate bids are sought for a particular contract item, the alternates will be identified in the bid form. A bid on every alternate is not required unless otherwise specifically provided. When required by the Invitation for Bids, the bidder shall indicate a unit price for each of the separate price items called for in the bid form. The bidder may be required to show the products of the respective quantities and unit prices in a space provided for that purpose, and a gross sum shown in the place indicated in the bid form as the summation of those products. All writing shall be in a permanent, nonerasable form, except the signature of the bidder, which shall be written in permanent, nonerasable ink.

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- d) When required by the Invitation for Bids, each bid shall be accompanied by a bid bond in the form provided by the Department with the bid form package. The bid bond shall be made and tendered by a surety acceptable to the Department in the amount stated in the Invitation for Bids. The Department will accept a bank cashier's check or a certified check in lieu of a surety bid bond.

Section 660.170 Delivery of Bids

Bids shall be sealed and submitted in the manner specified or allowed by the Invitation for Bids. When sent by mail, the sealed bid shall be addressed to the Department at the address and in care of the official in whose office the bids are to be received. All bids shall be delivered and received by the Department prior to the time and at the place specified in the Invitation for Bids. The date and time of receipt will be recorded. Bids will remain sealed and will be stored in a secure place until the date and time established for bid opening. Bids received after the time specified will be returned to the bidder unopened.

Section 660.180 Change or Withdrawal of Bids

A bidder may change or withdraw a bid if written or in-person notice of the change or withdrawal is received by the Department before the time specified for submission of bids. No change or withdrawal is allowed after bid opening except as provided in Section 660.230 of this Part. Changes must be initialed in ink by the bidder. (See Section 20-10(f) of the Code.)

Section 660.190 Combination Bids for Construction Contracts

- a) A combination bid is a total bid received on two or more contract items. No combination bids other than those specifically established by the Department will be considered. Separate bid forms will be issued for each contract item in the combination. Bids may be submitted on the combination as well as on the separate contract items of the combination. The Department reserves the right to make awards on combination bids or separate contract item bids.
- b) If a combination bid is submitted on two or more contract items, separate bids on each individual contract shall also be submitted, and unless separate bids are so submitted the combination bid will not be considered. If the bidder intends to submit a combination bid, the bidder shall state, in the place provided in the bid form, the amount of the combination bid for the entire combination.
- c) If a combination bid is submitted on any stipulated combination, and errors are found to exist in computing the gross sum bid on any one or more of the individual bids, corrections will be made by the Department and the amount of the combination bid will be corrected so that it will be in the same proportion to the sum of the corrected gross sum bid as the combination bid submitted was to the sum of the

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- gross sum bid submitted.
- d) The following provisions govern combination bidding:
- 1) When a combination bid is submitted and awarded for two or more contract items, the combination bid price will be prorated against each contract item in proportion to the bid price submitted for each individual contract item.
 - 2) Separate contracts will be executed for each individual contract item included in the combination.
 - 3) The completion time for all contracts awarded on a combination bid will be the latest completion time designated in any of the contracts included in the combination, unless otherwise provided in the contracts.

Section 660.200 Pre-Bid Conferences

Pre-bid conferences may be conducted to enhance understanding of the procurement requirements. They will be announced in the Transportation Bulletin. The conference should be held long enough after the Invitation for Bids has been issued to allow bidders to become familiar with it, but sufficiently before bid opening to allow consideration of the conference results in preparing their bids. Only the written minutes of the conference shall be binding. Nothing stated in the pre-bid conference shall change the Invitation for Bids unless a change is made by written amendment to the Invitation for Bids. Minutes of the conference will be available upon request to all those prospective bidders known to have received an Invitation for Bids. If the conference is mandatory, the minutes shall be supplied to attendees only.

Section 660.210 Public Opening of Bids

Bids will be opened and read publicly at the time and place specified in the Invitation for Bids. (See Section 20-10(d) of the Code.) The name of each bidder and the price term of each bid will be read aloud and recorded in a tabulation of bids for each contract item advertised. After execution of the contract, the tabulation of bids in the total amount and unit price items, if applicable, of all bidders will be available for public inspection. (See Section 15-25(b) of the Code.)

Section 660.220 Consideration of Bids

- a) After the bids are opened, read and recorded, the bids will be reviewed for responsiveness to the Invitation for Bids and conformity with all requirements prescribed in this Part. If unit prices are required, the bids will be compared on the basis of the summation of the products of the quantities shown in the bid schedule by the unit bid prices.
- b) The right is reserved by the Department to reject any or all bids, to waive minor informalities or technicalities, to advertise for new

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bids, or to request confirmation or clarification from any bidder regarding information contained in a bid.

c) Reasons for rejection of all bids include but are not limited to:

- 1) The object of the contract being procured is no longer required.
 - 2) The contract provisions require amendment.
 - 3) The solicitation did not provide for consideration of all factors of significance to the Department.
 - 4) The bid prices exceed available funds or the bid prices exceed the anticipated estimate of costs to the extent that, in the judgment of the Department, prices are unreasonable.
 - 5) Evidence of collusion among bidders.
 - 6) Actions or events beyond the control of the Department, such as strikes, acts of God, material shortages, acts of the public enemy or litigation, would have an adverse effect on the completion of the anticipated contract.
- d) Reasons for rejection of any individual bids include but are not limited to:

- 1) More than one bid for the same contract item from a bidder under the same or different names.
- 2) Evidence of collusion among bidders.
- 3) Unbalanced bids in which the bid prices for some items are, in the judgment of the Department, out of proportion to the bid prices for other items.
- 4) If the bid does not contain a unit price for each pay item listed, except in the case of authorized alternate pay items or lump sum pay items.
- 5) If the bid form is other than that furnished or authorized by the Department, or if the form is altered or any part thereof is detached.
- 6) If there are omissions, erasures, alterations, unauthorized additions, conditional or alternate bids, or irregularities of any kind that may tend, in the judgment of the Department, to make the bid incomplete, indefinite, or ambiguous as to its meaning.
- 7) If the bidder adds any provisions reserving the right to accept or reject an award, or to enter into a contract pursuant to an award.
- 8) If the bid is not accompanied by the proper bid bond or substitute guaranty.
- 9) If the bid is prepared in any manner other than as indicated in this Part or the Invitation for Bids making the bid not responsive.

Section 660.230 Mistakes

- a) If a bidder claims a mistake in its bid, the bid may be withdrawn in accordance with this Section without payment of damages to the Department as provided in the terms of a bid bond or other bid

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security, provided the bidder claiming the mistake demonstrates to the Department with competent and reliable evidence:

- 1) that the claimed mistake is related to a material feature of the contract;
 - 2) that the mistake would have serious, material consequences to the bidder such that enforcement of a contract would be unconscionable;
 - 3) that the mistake occurred notwithstanding the exercise of reasonable care by the bidder; and
 - 4) that the bidder has raised the claim of a mistake without delay in order to prevent the Department from altering its position in such a manner that loss to the State would occur.
- b) The Department reserves the right to correct obvious, apparent errors in bids. A bid may not be withdrawn if a mistake is apparent and the intended correct bid is clearly evident on the face of the bid. Examples of mistakes that may be clearly evident on the face of the bid include but are not limited to typographical errors, errors in extending unit prices, transposition errors and arithmetical errors.
- c) Mistakes claimed after execution of the contract will not be corrected.

Section 660.240 Award After Bid Evaluation

- a) Unless all bids are rejected, an award notification will be made to the lowest responsible bidder whose bid is responsive to and conforms with the requirements and criteria of the invitation. All responsibility, responsiveness, and price factors are considered so as to select the bid most advantageous to the State. An individual contract item advertised in an Invitation for Bids may state other, additional award and evaluation criteria that will be capable of objective consideration for award. (See Section 20-10(g) of the Code.)
- b) Responsibility of bidders for construction contracts is determined in accordance with the Department's rules for Prequalification of Contractors and Issuance of Plans and Proposals found at 44 Ill. Adm. Code 650.
- c) For nonconstruction contracts, the responsibility of bidders will be determined based upon the following factors unless some other or additional factors or prequalification procedures are stated in the Invitation for Bids.
 - 1) The bidder shall possess the appropriate financial, material, equipment, facility and personnel resources and expertise necessary to meet all contractual obligations.
 - 2) The bidder shall have a satisfactory record of performance, including but not limited to a sound record of integrity and business ethics.
 - 3) The bidder shall be under no legal disability of any kind to contract with the State.

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- 4) The bidder shall have submitted all information requested by the Invitation for Bids concerning responsibility.

Section 660.250 Split and Multiple Awards

- a) The Department may advertise a contract for a potential split award of a definite quantity requirement between two or more bidders. The Invitation for Bids will advise of the reservation of split awards and the basis for dividing the award.
- b) The Department may advertise a contract for multiple award of an indefinite quantity when two or more contractors are necessary for adequately meeting the Department's needs. The Invitation for Bids will advise of the reservation of multiple awards.

Section 660.260 Time for Award

Unless the Invitation for Bids specifies a different time for bid acceptance, a notification of award will be made in writing dated within 45 calendar days after the opening of bids.

Section 660.270 Delay in Award

Should circumstances be encountered after bid opening that may delay award beyond the 45 day or other advertised period, the responsive bidders may be requested to extend the bid acceptance period.

Section 660.280 Binding Contract

- a) Once an award has been made, the bidder is bound to perform according to the terms and conditions of the contract, the Invitation for Bids and this Part.
- b) An approved contract executed by the Department is required before the State is bound. An award may be canceled any time by the Department prior to execution in order to protect the public interest and integrity of the bidding process or for any other reason if, in the judgment of the Department, the best interests of the State will be promoted.

Section 660.290 Requirement of Contract Bond for Construction Contracts

The successful bidder awarded a construction contract shall furnish the Department a performance and payment bond with good and sufficient sureties in the full amount of the contract as the penal sum. (See the Public Construction Bond Act [30 ILCS 550].) The surety shall be acceptable to the Department, shall waive notice of any changes and extensions of time, and shall submit its bond on the form furnished by the Department. Performance security for other contracts shall be as stated in the Invitation and contract.

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Section 660.300 Execution of Contract

- a) The bid form submitted by the bidders may be in such a form that the signature of the bidder on the form is also the signature of the bidder for purposes of contract execution. In such circumstances, the Department will, after acceptance and approval of the bid for contracting purposes, execute the contract and return a copy to the bidder.
- b) If the contract as bid requires additional execution by the bidder, the contract shall be executed by the successful bidder and returned, together with any required contract bond, within 15 days after the contract has been mailed to the bidder. Failure of the successful bidder to execute the contract and file acceptable bonds within 15 days after the contract has been mailed to the bidder is cause for the cancellation of the award and the forfeiture of the proposal guaranty. If the contract is not executed by the Department within 15 days following receipt from the bidder of the properly executed contract and bond, the bidder shall have the right to withdraw the bid without penalty.

Section 660.310 Publication of Contracts

Notice of contracts entered into by the Department pursuant to this Subpart D will be published in the Transportation Bulletin.

SUBPART E: COMPETITIVE SEALED PROPOSAL PROCEDURES**Section 660.320 General Conditions for Use**

The procedures set forth in this Subpart E will be used for all contracts procured by the Department by competitive sealed proposals supported by a written determination that competitive sealed bidding is not practicable or not advantageous. (See Section 20-15(a) of the Code.)

Section 660.330 Request for Proposals

- a) The process for procuring a contract by competitive sealed proposals begins with the issuance of a Request for Proposals by publication in the Transportation Bulletin not less than 14 days before the date set in the request for the opening of proposals. (See Section 20-15(b) and (c) of the Code.)
- b) The Request for Proposals will include the following elements that may be adapted to accomplish the objectives of the Department.
- 1) A general description of the type of service needed.
 - 2) A general description of the nature of the work and its relationship to the objectives of the Department.
 - 3) The anticipated starting date and duration of the contract.
 - 4) A general description of the final product to be produced or

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service to be rendered.

- 5) A detailed description of the work of the project that also discloses a summary of any preliminary work that has been done, and any special conditions affecting the performance of the work, including but not limited to location, licenses, skills required and materials to be supplied. In addition, a timetable for performing the work, including reporting requirements, may be included or instructions for the offerors to provide an acceptable timetable may be specified.

- 6) A description of the required format for a proposal, including some or all of, but not limited to, the following elements:

A) Technical Proposal: A document describing in detail how the work will be accomplished, including any services that would be provided through a subcontract.

B) Staffing: A summary of the qualifications of the individuals who would be assigned to the project, a general account of experience in the field of work, and a list of current and anticipated contracts that could require the involvement of the project staff during the term of the Department's contract.

C) Cost Estimate: When the project is federally-funded, a detailed estimate of direct and indirect costs of accomplishing the work. When the project is not federally-funded, the Request for Proposal will indicate when and how price will be submitted.

D) Samples of Previous Work: Copies of reports, manuals, plans, etc., that are closely related to the type of services needed.

E) A statement of any additional requirements.

- 7) A description of the evaluation factors that will be used to evaluate and rank the proposals, and the relative importance of price to the evaluation factors. (See Section 20-15(e) of the Code.)

8) A name and phone number of the responsible Department office, and the official mailing address, date and time for submission of the proposal and supporting documents.

- 9) For any federally-funded contract that is expected to exceed \$50,000 in cost, a notification that fiscal information may be required prior to an award detailing the offeror's accounting system, payroll burden, fringe expenses, and general and administration overhead expense percentage rating for purposes of a pre-contract audit.

10) A statement, for nonfederally-funded contracts, of when and how price will be submitted.

- 11) A statement that discussions may be conducted with offerors that submit proposals determined to be reasonably susceptible of being selected for award, but that proposals may be accepted and evaluated, and that an award may be made and contract executed

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without discussions.

Section 660.340 Delivery of Proposals

- a) Proposals shall be sealed and submitted in the manner specified or allowed by the Request for Proposals. When sent by mail, the sealed proposal shall be addressed to the official mailing address specified in the request. All proposals shall be delivered and received by the Department prior to the time and at the official address specified in the Request for Proposals. Proposals received after the time specified will be returned to the offeror unopened. The date and time of receipt will be recorded. Proposals will be held in a secure place until the established due date. After the date and time established for receipt of proposals, a register of proposals will be prepared that will include for all proposals the name of each offeror and a description sufficient to identify the supply or service item offered. The register of proposals is open to public inspection after award of the contract. Proposals will be maintained in a confidential manner during the period prior to execution of a contract. (See Section 20-15(f) of the Code.)

- b) Proposals will be opened publicly in the presence of at least one witness at the time and place indicated, but contents of individual proposals will not be disclosed.

Section 660.350 Evaluation of Proposals

- a) The evaluation is based on the evaluation factors set forth in the Request for Proposals. Numerical rating systems may be used but are not required. Factors not specified in the Request for Proposals will not be considered. For purposes of conducting discussions with responsible offerors and for revision of proposals, proposals may be initially classified as:

- 1) acceptable;
- 2) potentially acceptable, that is, reasonably susceptible of being made acceptable; or
- 3) unacceptable.

Offerors whose proposals are unacceptable will be so notified.

- b) Except for federally-funded contracts, proposals will be evaluated on all particulars independent of price.

- c) For federally-funded contracts, a pre-discussion audit may be performed to provide the necessary data to assure that the offeror has an acceptable accounting system, adequate and proper justification of the various rates charged to perform the work and is aware of federal cost eligibility and documentation requirements. Pre-discussion audits and the resultant audit opinions are required for all contracts expected to exceed \$250,000 and for all contracts of less than \$250,000 where:

- 1) there is insufficient knowledge of the offeror's accounting

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- system;
- 2) there is previous unfavorable experience regarding the reliability of the offeror's accounting system; or
 - 3) the contract involves the procurement of new equipment or supplies for which cost experience is lacking.
- pre-discussion audits may be waived when sufficient audited data is available to permit reasonable comparisons with the cost proposal.

Section 660.360 Discussions with Responsible Offerors

- a) "Offerors" Defined. For purposes of this Section, the term "offerors" includes only those businesses submitting proposals that are acceptable or potentially acceptable. The term does not include businesses who submitted unacceptable proposals.
- b) Purposes of Discussions. Discussions may be held to promote understanding of the Department's requirements and the offerors' proposals, and to facilitate arriving at a contract that will be most advantageous to the State, taking into consideration price and the other evaluation factors set forth in the Request for Proposals. (See Section 20-15(f) of the Code.)
- c) Conduct of Discussions. Offerors will be accorded fair and equal treatment with respect to any opportunity for discussions and revisions of proposals. If during discussions there is a need for any substantial clarification of or change in the Request for Proposals, the Request shall be amended to incorporate such clarification or change and all offerors advised accordingly. Revealing one offeror's price to another and disclosure of any information derived from competing proposals are prohibited. Any substantial oral clarification of a proposal shall be reduced to writing by the offeror. (See Section 20-15(f) of the Code.)
- d) Best and Final Offers. The Department may establish a common date and time for the submission of best and final offers. The Department may conduct additional discussions or change the State's requirements and require another submission of best and final offers. If an offeror does not submit either a notice of withdrawal or another best and final offer, that offeror's immediately previous offer will be construed as its best and final offer.

Section 660.370 Award

- a) An award will be made pursuant to a written determination, retained in the contract file, showing the basis on which the award was found to be most advantageous to the State, based on the factors set forth in the Request for Proposals, and taking into consideration price. (See Section 20-15(g) of the Code.)
- b) Nothing shall compel the award of a contract. Contract execution will be as specified in the Request for Proposals. A solicitation may be canceled at any time when such action is determined in the sole

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judgment of the Department to be in the best interest of the State.

Section 660.380 Publication of Contracts

Notice of contracts entered into by the Department pursuant to this Subpart E will be published in the Transportation Bulletin.

SUBPART F: PROTESTS**Section 660.390 Application**

The procedures of this Subpart F will govern the resolution of protests received by the Department from an interested party concerning a contract solicitation.

Section 660.400 Interested Party

In order to be considered an interested party, the protester must be or have been an actual bidder or offeror who demonstrates compliance in all respects with this Part and the terms of the subject Invitation for Bids or Request for Proposals.

Section 660.410 Subject of the Protest

- a) A protest may be filed regarding any phase of the solicitation process for a particular contract.
- b) The subject of the protest shall concern fraud, corruption or illegal acts undermining the objectives and integrity of the procurement process.
- c) Protest procedures of this Subpart F do not apply to issues of prequalification, suspension or debarment.

Section 660.420 Filing of a Protest

- a) All protests shall be in writing and filed with the Chief Procurement Officer within 10 days after the protester knows or should have known of the facts giving rise to the protest. Protests filed after the 10 day period will not be considered. In addition, protests that raise issues of fraud, corruption or illegal acts affecting specifications, special provisions, supplemental specifications and plans must be received by the Chief Procurement Officer no later than 10 days before the date set for opening of bids. For purposes of this requirement, deposit in the mail, postage prepaid does not constitute filing or receipt.
- b) The protest shall be contained in an envelope clearly labeled "protest." The written protest shall include as a minimum the following requirements.
 - 1) The name, address, telephone and facsimile numbers of the

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protester.

- 2) The identification of the procurement or solicitation that is the subject of the protest.
- 3) All information establishing that the protester is an interested party.
- 4) A detailed statement of the factual and legal grounds of the protest, including all relevant documents and exhibits that demonstrate fraud, corruption or illegal acts having the effect of undermining the integrity of the procurement process.
- 5) All information establishing the timeliness of the protest.
- 6) The signature of the protester.

Section 660.430 Stay of Action during Protest

When a protest has been timely filed and before an award has been made, the Department will make no award of the contract until the protest has been resolved, unless the award of the contract without delay is necessary to protect the interests of the State. When a protest has been filed after an award has been made, the protest will be denied.

Section 660.440 Decision

- a) A decision on a protest will be made as expeditiously as possible after receiving all relevant information.
- b) The protest will be sustained only if it is determined by the Chief Procurement Officer that the protest conclusively demonstrates by the preponderance of relevant information submitted that fraud, corruption or illegal acts have occurred that undermine the integrity of the procurement process.
- c) If the protest is sustained, the remedies available are limited to cancellation or revision of the solicitation, or readvertisement of the solicitation. Relief available does not include award of the contract to the protester.
- d) The decision of the Chief Procurement Officer is final and conclusive unless clearly erroneous, arbitrary, capricious or contrary to law. (See Section 20-75 of the Code.)

SUBPART G: SPECIFICATIONS

Section 660.450 Standard Specifications

All Department construction contracts will identify the version of the Standard Specifications, applicable to the type of work involved, used by the Department Division undertaking the project.

Section 660.460 Contract Documents

For construction contracts, the specifications, supplemental specifications,

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special provisions and plans will provide the requirements for the categories of work and materials needed for the contract. For all other contracts involving the procurement of supplies, the specifications will be incorporated in the appropriate contract documents.

Section 660.470 Specification Standards

- a) Material and product specifications for construction contracts and construction-related service contracts that may require the delivery of material or products will be used that satisfy the needs of the Department and that are developed in accordance with the following standards.

- 1) Material and product specifications will reflect the needs of the Department and will describe the technical or performance requirements necessary to complete the contemplated work.
- 2) Brand-name only product specifications, including patented or proprietary products, will not be used, unless:
 - A) such products may be procured competitively with equally suitable nonbrand-name products; or
 - B) such products are necessary for compatibility with existing facilities; or
 - C) no equally suitable alternate exists; or
 - D) such products are to be used for research or for a distinctive type of application for experimental purposes.
- 3) When more than one product will fulfill the requirements for an item of work and the products are judged by the Department to be of satisfactory quality, and equally acceptable on the basis of engineering analysis and estimated price, the contract specifications may contain or include by reference a qualified products list.
- b) For nonconstruction and nonconstruction-related services contracts, the Department adopts the standards for specifications established by the Department of Central Management Services.

SUBPART H: SUSPENSION OF CONTRACTORS

Section 660.480 Purpose

The purpose of this Subpart H is to establish the standards and procedures governing the administrative action of suspension that may be taken by the Department to safeguard the public interest in the solicitation, execution, administration and performance of public contracts. This Subpart applies to all suspension administrative actions taken by the Department regarding any contractor that has participated, is currently participating or may be expected to participate in any Department contract.

Section 660.490 Definitions

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As used in this Subpart:

- a) "Affiliates" means firms where one controls or has the power to control another, or a third party or parties controls or has the power to control both.
- b) "Contract" means, in addition to the meaning set forth at Section 660.40, a written agreement between a contractor and the Department, or an agreement subject to Department approval, regardless of form or method of procurement.
- c) "Contractor" means any person, firm, corporation, organization, partnership, or association, however organized, and its affiliates, including its owners, directors, officers, partners, managers, key employees and others engaged in primary managerial or supervisory positions.
- d) "Hearing Officer" means the Secretary or an attorney, licensed to practice law in this State, appointed by the Secretary.
- e) "Participation" means to enter into or attempt to enter into a contract awarded or approved by the Department, irrespective of the method of procurement, or any subcontract, material supply agreement or equipment lease transaction in connection with any such contract.
- f) "Indictment" means the charge, information, or other filing by a competent authority charging a criminal offense.
- g) "Secretary" means the Secretary of Transportation.

Section 660.500 Policy

In order to protect the public interest in the solicitation, execution and performance of contracts administered by the Department, it is the policy of the Department to conduct business only with contractors of responsible business integrity and honesty. Suspension is a discretionary action imposed in accordance with this Part to serve the public interest and to implement this policy. It may be imposed only for the causes and in accordance with the procedures set forth in this Subpart.

Section 660.510 General

The Secretary may suspend a contractor from participation on any contract awarded by or requiring approval or concurrence of the Department upon a determination by the Secretary based upon adequate evidence that the contractor has engaged in conduct proscribed by Section 660.520 of this Subpart. This determination may be predicated on evidence developed by means of an investigation conducted by the Department and the record of any hearing requested and conducted pursuant to this Subpart; by review of the public record containing a criminal conviction, a civil judgment, or an admission under oath of conduct evidencing proscribed conduct including a plea of nolo contendere; or the findings and decisions made in accordance with law by another public agency that the contractor has engaged in conduct proscribed by Section 660.520 of this Subpart.

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Section 660.520 Causes for Suspension

A contractor may be suspended from participation due to acts or omissions that indicate that the contractor lacks integrity and honesty in the conduct of business or the performance of contracts. Acts or omissions that indicate the lack of business integrity and honesty include but are not limited to:

- a) fraud, bribery, embezzlement, theft, collusion, conspiracy, anti-competitive activity or other misconduct and offenses prohibited by law whether or not any such misconduct or offense is in connection with a Department contract or any contract requiring Department approval;
- b) making a material false statement in an application for prequalification or any forms or affidavits required as part of a prequalification process;
- c) materially violating any rule or procurement procedure or making a material false statement in connection with any rules or procurement procedures of the Department;
- d) making a material false statement, representation, claim or report respecting the character, quality, quantity, or cost of any work performed or materials furnished in connection with a contract administered or supervised by the Department;
- e) doing business with a suspended contractor in connection with a contract of the Department or subject to approval of the Department during the period of suspension; or
- f) being debarred or suspended by another agency of this State or the United States.

Section 660.530 Interim Suspension

The Secretary may immediately suspend a contractor prior to and during the pendency of a hearing provided by this Subpart if the Secretary finds that the facts and circumstances upon which the suspension cause is predicated are of such a nature as to require immediate action to safeguard the public interest in the solicitation, execution, administration or performance of contracts, whether awarded by the Department or subject to Department approval. An interim suspension may be imposed pending the completion of an investigation of the causes for suspension. Indictment upon charges evidencing a cause for suspension is a basis for an interim suspension. An interim suspension is effective immediately and will continue for a period of time established by the Secretary of up to 120 days unless terminated sooner by the Secretary. The Secretary may extend the duration of an interim suspension beyond 120 days in order to allow for completion of a hearing that was scheduled for commencement during the original 120 day interim suspension period. In cases involving interim suspension based upon indictment, the interim suspension may be imposed for a period of up to one year or until conclusion of the legal proceeding.

Section 660.540 Voluntary Exclusion

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A contractor may accept a status of nonparticipation or limited participation in Department contracts pursuant to the terms of an administrative settlement.

Section 660.550 Term of Suspension

Except as herein provided, the term of a suspension imposed by the Secretary will be for a period, commensurate with the seriousness of the cause or causes, of up to five years. In cases involving the inadvertent or accidental failure to make the full disclosures required by Section 50-35 of the Code, the term of suspension will be for a period of no more than two years. (See Section 50-35(f) of the Code.) In cases involving the intentional, willful, or material failure to make the full disclosures required by Section 50-35 of the Code, the term of suspension will be for a period of not more than ten years with eligibility for reinstatement after two years. (See Section 50-35(g) of the Code.)

Section 660.560 Coverage

- a) A suspension and interim suspension applies to the contractor set forth in the notice of suspension.
- b) If the contractor named in the notice of suspension is a person, the suspension also applies to any other contractor:
 - 1) in which the suspended person is an officer, director, manager or in any other substantial management or supervisory position, until such time as the person is severed from such contractor; or
 - 2) in which the suspended person has controlling legal or beneficial financial interest, until such time as the suspended person's interests are divested.
- c) In addition to all covered entities and affiliates, the suspension also applies to any entity or affiliate that is formed or organized subsequent to the date a suspension action was entered.
- d) Any suspended contractor, for the term of such suspension, is ineligible to participate as a contractor, subcontractor, material supplier or lessor of equipment on or in connection with contracts awarded or approved by the Department.

Section 660.570 Other Agency Suspensions

Suspension under this Subpart H may be concurrent with or consecutive to any other suspension or debarment imposed by another public agency.

Section 660.580 Responsibility

Suspension under this Subpart will also be deemed a finding of lack of responsibility.

Section 660.590 Continuation of Executory Contracts

- a) Any contractor receiving a notice of suspension may, within 30 days after receipt of a notice, file an appearance and request for a hearing. A contractor that does not file an appearance and request a

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Suspension or voluntary exclusion pursuant to this Subpart H shall not relieve a contractor or its surety of any obligation to be performed in accordance with the terms of any executory contract or bond that remains in full force and effect. Executory contracts are voidable by the Department without penalty or further payment, except payment for completed and accepted work, if the facts and circumstances giving rise to the suspension are of such a nature as to require action to safeguard the public interest.

Section 660.600 Exception Provision

A suspension action is final, except that the period of time during which a contractor is suspended may be decreased, delayed or rescinded at any time, if, in the judgment of the Secretary, the public interest warrants such action. The Secretary may grant an exception permitting a suspended or voluntarily excluded contractor to participate in a particular contract or type of contracts if the public interest will be served by the participation. A contractor suspended for the intentional, willful, or material failure to make the disclosures required by Section 50-35 of the Code is not eligible for exception or reinstatement until two years of the suspension shall have passed. (See Section 50-35(g) of the Code.)

Section 660.610 Notice of Suspension

- a) Any contractor that the Department proposes to suspend pursuant to this Part will be furnished written notice by personal service or by certified or registered mail.
- b) The Notice will include the following:
 - 1) The cause for suspension on which the proposed suspension is based.
 - 2) A clear and concise statement of the matters asserted and acts complained of, and the statutes, cause or rules upon which the allegations in the notice are based.
 - 3) The legal authority and jurisdiction under which the action is taken, and the consequences of a failure to respond.
- c) A notice may be amended at any time.
- d) If the Secretary has imposed an interim suspension, the notice will so indicate, will provide the reasons for the interim suspension, will state the interim period, and will state whether the interim suspension is pending completion of an investigation, an ensuing legal proceeding or a hearing provided according to this Subpart H.
- e) Except in cases of interim suspensions imposed by reason of indictment, the notice will set forth the right to request a hearing.

Section 660.620 Response and Request for Hearing

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hearing within the 30 days after receipt shall be deemed to have waived any hearing and will be subject to immediate suspension.

- b) Within 30 days after receipt of a notice that imposes an interim suspension, the contractor may submit, in person, in writing, or through a representative, information, documentation and argument in opposition to the interim suspension. The Secretary will consider the contractor's submission in light of the evidence developed in the pending investigation, and may modify or terminate the suspension or may leave it in force. The Secretary's decision concerning imposition of an interim suspension is final without further hearing.

Section 660.630 Hearing Date and Hearing Officer

- a) Upon receipt of an appearance and request for hearing, the Secretary will set the matter for a hearing within 30 days, and notify the contractor of the place, time and date of the hearing and the designated Hearing Officer.

- b) The contractor may file a written motion for disqualification of a Hearing Officer, setting forth reasons of personal bias or conflict of interest, within three days after appointment of the Hearing Officer.

Section 660.640 Answer

The contractor may file a written answer to a notice not later than twenty days prior to the hearing date, but shall not be required to file an answer. The answer may include affirmative defenses.

Section 660.650 Form of Documents

- a) Documents shall clearly show the file hearing number and the title of the proceedings in connection with which they are filed.
- b) Except as otherwise provided, two copies of all documents shall be filed.
- c) Documents shall be typewritten or reproduced from typewritten copy on letter size white paper.
- d) Each document filed shall be signed by the party or by his authorized representative or attorney.

Section 660.660 Computation of Time

- a) Computation of any period of time prescribed by this Subpart H begins with the first business day following the day on which the act, event or development initiating such period of time occurs, and runs until the end of the last day, or the next following business day if the last day is a Saturday, Sunday, or legal holiday. When the period of time is five days or less, Saturdays, Sundays and legal holidays are excluded in the computation of time.
- b) Notice requirements shall be construed to mean notice received, but

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proof that notice was dispatched by means reasonably calculated to be received by the prescribed date shall be prima facie proof that notice was timely received.

Section 660.670 Appearances

- a) Any person participating in proceedings may appear as follows:
 - 1) A person may appear in his/her own behalf or by an attorney at law licensed to practice in the State of Illinois, or both.
 - 2) A business, nonprofit, or government organization may appear by any bona fide officer, employee, or representative, or may be represented by an attorney licensed to practice in the State of Illinois, or both.
- b) Attorneys not licensed to practice in the State of Illinois may appear on motion.
- c) An attorney appearing in a representative capacity, shall file a written notice of appearance.

Section 660.680 Hearing Procedures

- a) The Hearing Officer has the authority to conduct and preside over the hearing, to take all necessary action to avoid delay, to maintain order, to ensure compliance with all notice requirements and to ensure the development of a clear and complete record. The Hearing Officer shall have all powers necessary to conduct a fair and impartial hearing including, but not limited to, the power to:
 - 1) Administer oaths and affirmations;
 - 2) Regulate the course of hearings, set the time and place for continued hearings, fix times for filing of documents, and in general conduct the proceedings, according to recognized principles of administrative law and the provisions of this Part;
 - 3) Examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitious or cumulative testimony, and set reasonable limits on the amount of time each witness may testify;
 - 4) Rule upon all motions and offers of proof and receive relevant, material evidence admissible under the rules of evidence applied in civil cases in the circuit courts of the State, including evidence not admissible under those rules, but that is of a type commonly relied upon by reasonably prudent people in the conduct of their affairs;
 - 5) Direct parties to appear and confer for the simplification of issues, or presentation of evidence that may be received in written form without prejudice to the parties, and otherwise conduct pre-hearing conferences;
 - 6) Dispose of procedural requests or similar matters;
 - 7) Issue orders relating to pre-hearing discovery to the extent authorized by and permitted under this Part; and

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- 8) Enter any order that further carries out the purpose of this Part.
- b) The Hearing Officer has the authority to extend the date of any hearing, provided that the Hearing Officer may condition the granting of a contractor's request for an extension on the imposition or extension of an interim suspension should the circumstances warrant such action.
- c) Any party to the hearing shall have the right to direct any other party to produce for inspection, copying, reproduction or photocopying written documents relevant to the subject matter of the hearing. Such request for documents shall be in writing and served on the party from whom production of documents is sought. A copy of the request shall be sent to the Hearing Officer and shall become part of the record of the case. The request shall specify a reasonable time, place and manner of making the inspection and copying.
- d) The parties shall be afforded the opportunity to present, examine and cross-examine witnesses.
- e) In cases where it has been established by admission or conviction or judgment of a court of competent jurisdiction that the contractor has engaged in conduct warranting a suspension or where it has been established by findings made in accordance with law by another public agency that the contractor has engaged in conduct warranting a suspension, the sole issue before the Hearing Officer shall be the receipt of evidence as to the appropriate length of a suspension. In such cases the Hearing Officer shall not receive evidence relating to the merits of the prior judicial or administrative decision or findings.
- f) The Hearing Officer shall make a report containing findings of fact and conclusions of law and shall transmit the entire record, including such findings and conclusions, to the Secretary for review and final decision. If the Secretary will not review the record prior to rendering a decision, the Hearing Officer will serve upon the parties a proposed decision to which the parties may file a brief containing exceptions.
- g) Testimony at the hearing shall be recorded either by a certified court reporter or a mechanical recording device, but need not be transcribed unless requested by a party who shall pay for the transcription of the portion requested. The transcript and the record offered in connection with the hearing shall constitute the official record.
- h) The record shall include:
 - 1) All pleadings, motions, and rulings;
 - 2) Evidence received;
 - 3) A statement of matters officially noticed;
 - 4) Offers of proof, objections and rulings thereon;
 - 5) Any proposed findings and exceptions to the report of the Hearing Officer, and the decision.

Section 660.690 Determination

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- a) Based on the record as a whole and an adequate evidence standard of proof, the Secretary will determine the suspension action to be taken.
- b) In assessing adequate evidence, consideration will be given to how much credible information is available, its reasonableness in view of surrounding circumstances, corroboration or lack thereof as to important allegations, and inferences that may be drawn from the existence or absence of affirmative facts. This assessment will include an examination of basic documents such as contracts, inspection reports, and correspondence.
- c) Upon reaching a final decision, the Secretary will notify the contractor of the determination and will set forth the period of time during which the contractor shall be suspended from bidding on Department contracts or contracts requiring Department approval or concurrence. Affected local government agencies will be notified of the final decision. Any interim suspension shall be deducted from the period of final suspension.
- d) Parties will be served with a copy of the final decision by mail, postage prepaid, certified or registered, addressed to the last known address of the person, partnership, association, or company involved. A copy of the final decision will be mailed to each party and to all attorneys of record.

SUBPART I: MISCELLANEOUS

Section 660.700 Property Rights

Receipt of an Invitation for Bids, Request for Proposals or other procurement document, or submission of any response thereto or other offer confers no right to receive an award or contract, nor does it obligate the State in any manner. All procurement documents submitted by a bidder or offeror become the property of the Department for disposition in accordance with the requirements of law. Trade secrets or other proprietary information submitted to the Department shall be expressly identified in writing; however, the Department reserves the right to determine the validity of any such claim, and may refuse to award a contract or may void any contract in circumstances where the party claiming the trade secret or proprietary data is unable to agree to disclosure for a public purpose. (See Section 1-25 of the Code.)

Section 660.710 Federal Requirements

Procedures applicable to procurements that contemplate the use of federal-aid funds, grants or loans shall be in accordance with requirements established by the federal administration having responsibility therefor, even if in addition to or in contravention of this Part. (See Section 20-85 of the Code.)

Section 660.720 Intergovernmental Agreements

Any procurement conducted by the Department on behalf of another government

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entity pursuant to an intergovernmental agreement shall be conducted using the procedures of this Part in accordance with the applicability provisions of the Code. (See Section 1-10(b) of the Code.)

Section 660.730 No Waiver of Sovereign Immunity

Nothing in this Part shall be deemed to be a waiver of sovereign immunity.

Section 660.740 Written Determinations

The Chief Procurement Officer will prescribe any administrative methods and operational procedures to be used in preparing written determinations required to be made by the Department by the Code or this Part, and will make such delegations to responsible officers for the implementation of the methods and procedures as will achieve the proper preparation, execution and retention of each written determination.

Section 660.750 Severability

If any provision or application of this Part is held invalid, such invalidity shall not affect other provisions or applications of this Part that can be given effect without such invalid provision or application.

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1) \$ Heading of the Part: Prequalification of Contractors and Issuance of Plans and Proposals

2) Code Citation: 44 Ill. Adm. Code 650

3) <u>Section Number:</u>	<u>Proposed Action:</u>
650.20	Amended
650.30	Amended
650.80	Amended
650.110	Amended
650.290	Amended
650.300	Amended
650.310	Amended
650.315	New

4) Statutory Authority: Implementing Section 20-45 of the Illinois Procurement Code [30 ILCS 500/20-45, effective July 1, 1998] and Section 4-103 of the Illinois Highway Code [605 ILCS 5/4-103] and authorized by Section 4-201.1 of the Illinois Highway Code [605 ILCS 5/4-201.1] and Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25, effective July 1, 1998].

5) A Complete Description of the Subjects and Issues Involved: The Department is amending pertinent Sections of Part 650 to reflect statutory provisions found in the new Illinois Procurement Code (the Code) [30 ILCS 500], effective July 1, 1998. References to the Illinois Purchasing Act, which has been repealed, are replaced with references to the new Code. Additionally, provisions are added to effect the disclosure requirements of Section 50-35 of the new Code.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will not affect units of local government or not-for-profit corporations.

11) \$ Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning these proposed amendments. Written submissions shall be filed with:

Mr. Jon E. Tweedt, Deputy Chief Counsel

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Illinois Department of Transportation
Room 311
2300 S. Dirksen Parkway
Springfield, Illinois 62764
(217)782-3215

Comments received within forty-five days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

- 12) Initial Regulatory Flexibility Analysis: This rulemaking does not impact small business differently than any other business seeking prequalified status with the Department.
- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The Illinois Procurement Code was signed into law on February 6, 1998, after publication of the Department's January 1998 regulatory agenda.

The full text of the Proposed Amendment begins on the next page:

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TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER IX: DEPARTMENT OF TRANSPORTATION

PART 650

PREQUALIFICATION OF CONTRACTORS AND
ISSUANCE OF PLANS AND PROPOSALS

SUBPART A: PREQUALIFICATION

Section	Purpose
650.10	Purpose
650.20	Definitions
650.30	Introduction to Prequalification
650.40	Application Requirements
650.50	Time for Submission
650.60	Public Disclosure of Contractor Information
650.70	Waiver of Prequalification
650.80	Issuance and Effect of Ratings
650.90	Effective Date of Ratings
650.100	Expiration Date of Ratings
650.110	Denial or Revocation of Ratings
650.120	Extension of Ratings
650.130	Revisions to Prequalification Ratings
650.140	Transfer of Prequalification Ratings
650.150	Reconsideration and Appeal
650.160	Financial Rating - General
650.170	Financial Statement
650.180	Balance Sheet Schedules
650.190	Other Factors Considered in Determining Financial Ratings
650.200	Methods of Improving a Financial Rating
650.210	Computation of Financial Rating
650.220	Work Rating - General
650.230	Determination of Work Ratings
650.240	Performance Factor
650.250	Experience Factor (EF)
650.260	Equipment Factor (EqF)
650.270	Capacity to Perform (CP)
650.280	Calculation of Work Ratings

SUBPART B: ISSUANCE OF PLANS AND PROPOSALS

Section	
650.290	Advertising for Bids
650.300	Request for Proposal Forms and Plans; Authorization to Bid
650.310	Affidavit of Availability
650.315	<u>Disclosure of Other Procurement Relationships</u>

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650.320 Analyzing Requests for Authorization to Bid
 650.330 Issuance of Authorization to Bid
 650.340 Joint Ventures
 650.350 Denial of Authorization to Bid

APPENDIX A AVAILABLE WORK CATEGORIES

APPENDIX B REQUEST FOR EXTENSION OF PREQUALIFICATION RATINGS
 APPENDIX C FINANCIAL PLEDGE LETTERS
 APPENDIX D FINANCIAL VERIFICATION LETTER
 APPENDIX E CORPORATE RESOLUTION

AUTHORITY: Implementing Section 20-45 of the Illinois Procurement Code [30 ILCS 500/20-45], effective July 1, 1998 and Section 4-103 of the Illinois Highway Code [605 ILCS 5/4-103] and authorized by Section 4-201.1 of the Illinois Highway Code [605 ILCS 5/4-201.1] and Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25].

SOURCE: Adopted at 18 Ill. Reg. 9478, effective July 2, 1994; amended at 21 Ill. Reg. 11238, effective July 29, 1997; amended at 22 Ill. Reg. _____, effective _____.

SUBPART A: PREQUALIFICATION

Section 650.20 Definitions

"Act"---The-~~Illinois~~-Purchasing-Act-[30-ILCS-505]-

"Affidavit of Availability" - A sworn affidavit indicating all work under contract, pending awards, all subcontracts and value of subcontracts.

"Affiliate" - A member of a group of two or more companies related to one another through common ownership.

"Applicant" - Any prospective contractor who has applied for prequalification in compliance with the procedures delineated in this Part.

"Application for Prequalification" - A package of forms titled "Contractor's Statement of Experience and Financial Condition" (Form BC-8) required to be submitted by an applicant in support of its request for a prequalification rating.

"Authorization to Bid" - The permission given to a contractor to submit a bid on a given Department letting item and the permission to have that bid read.

"Available Bidding Capacity" - The applicable available work ratings

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and the available financial rating.

"Available Financial Rating" - Financial rating as indicated on the Certificate of Eligibility less the total value of all uncompleted work to be done with the applicant's own forces and work subcontracted to others.

"Available Work Rating" - The work rating in a particular category as indicated on the Certificate of Eligibility less all similar uncompleted work to be done with the applicant's own forces (for a listing of available work categories, see Section--650-Appendix A of this Part).

"Certificate of Appraiser" - The certification by an appraiser that the appraisal is performed with no direct or indirect interest, financial or otherwise, in the business of the applicant.

"Certificate of Eligibility" - A certificate issued to the applicant by the Department indicating the applicant's financial rating, work ratings and the effective period of prequalification.

"Code" - The Illinois Procurement Code [30 ILCS 500].

"Combined Financial Statement" - The accounting data of affiliated companies combined to form a single economic entity.

"Consolidated Financial Statement" - The accounting data of parent and subsidiary companies combined to form a single economic entity.

"Contract" - The written agreement between the Department and the contractor setting forth the obligations of the parties thereunder, including, but not limited to, the performance of the work, the furnishing of labor and materials, and the basis of payment. The contract consists of the invitation for bids, the proposal, the letter of award, the contract form and contract bond, any specifications and supplemental specifications, any special provisions, any general and detailed plans, and all agreements that are required to complete the construction of the work, including contract time - all of which constitute one instrument.

"Contractor" - The individual, partnership, or corporation contracting with the Department for performance of prescribed work. An applicant which has been issued a Certificate of Eligibility.

"Department" - The Illinois Department of Transportation.

"Department of Human Rights Identification Number" - A number assigned to an applicant who has prequalified with the Department of Human

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Rights.

"Director" - The Director of the Division of Highways or the Director's designee.

"District Engineer" - The engineer in charge of one of the nine districts of the Department in which the work of a contract is located.

"Engineer of Construction" - The individual responsible for directing the development of the Department's highway construction policies which assure uniform practices, interpretation and applications in Illinois.

"Financial Rating" - The measured ability of an applicant to sustain adequate cash flow for the duration of an awarded contract based on the submitted application for prequalification.

"Financial Statement" - A complete report of the applicant's financial status set forth on a balance sheet displaying the applicant's assets, liabilities and net worth.

"Joint Venture" - Two or three contractors combining their available financial and work ratings for the purpose of bidding a construction project.

"Letter of Subordination" - A signed statement from a stockholder, officer, director, employee, parent, subsidiary or affiliate agreeing not to withdraw a specific amount of money loaned to the applicant during the period of prequalification.

"Net Worth" - Total assets minus total liabilities.

"Official Newspaper" - The one designated as such by the Department of Central Management Services.

"Parent" - A corporation that owns more than half of the stock of another corporation.

"prequalification" - The rating process established by the Department which requires all prospective bidders to obtain a Certificate of Eligibility prior to being considered for issuance of bidding proposal forms and plans for any contract awarded by the Department, as well as contracts awarded by local agencies requiring approval of award by the Department.

"Prequalification Section" - The section within the Bureau of Construction of the Department responsible for determining financial

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ratings, work ratings, and the issuance of bidding proposals.

"Request for Proposal Forms and Plans and Request for Authorization to Bid" - A form provided by the Department to assist a contractor in making a formal request for plans and proposal forms, and subsequent authorization to bid on one or all of the proposals requested.

"Responsibility" - The capability in all respects to perform fully the requirements of an awarded contract, and the integrity and reliability that will assure good faith performance. and invitation issued by the Department for bids on construction projects.

"Service-Bulletin" - The public document which is the official publication and invitation issued by the Department for bids on construction projects.

"Specialty Items" - Items that are designated in the contract documents that are considered to require specialized construction techniques that are not ordinarily available in contracting organizations qualified to bid.

"Standard Specifications" - A Department publication entitled Standard Specifications for Road and Bridge Construction that sets forth the contract provisions for road and bridge construction.

"Subsidiary" - A corporation having more than half of its stock owned by another corporation.

"Transportation Bulletin" - The public document which is the official publication and invitation issued by the Department for bids on construction projects.

"Unlimited Rating" - A financial rating in excess of \$75 million or a work rating in excess of \$25 million.

"Working Capital" - Current assets less applied discounts and current liabilities.

"Work Rating" - The dollar value of work of a particular category of construction that an applicant can perform with his/her organization and equipment in one construction season.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 650.30 Introduction to Prequalification

a) As required by this Part, each bidder shall be prequalified prior to

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being considered for issuance of an Authorization to Bid on contracts advertised by the Department.

b) Except as otherwise provided in Section 650.70 of this Part, in order to become prequalified, an applicant shall submit an application for prequalification using forms furnished by the Department.

c) Upon receipt of a completed application, the Prequalification Section evaluates the information and calculates a prequalification rating for the applicant.

d) The prequalification rating is a combination of two subratings: the financial rating and the work rating. The policies and procedures used by the Prequalification Section to determine these two subratings are delineated in this Subpart.

e) After the prequalification Section determines the applicant's prequalification ratings, the applicant is issued a Certificate of Eligibility. This certificate permits the applicant, now a prequalified contractor, to make application for Authorization to Bid on contracts within the contractor's available bidding capacity in accordance with Subpart B of this Part.

f) Pursuant to the Code Act, an applicant must also be prequalified or submit evidence of application with the Illinois Department of Human Rights (IDHR) prior to obtaining bidding proposal forms and plans for contracts which are subject to the competitive bidding requirements of the Code Act. Information and forms concerning the rules of IDHR may be obtained from:

Illinois Department of Human Rights
Public Contracts Division
100 West Randolph - Suite 10-100
Chicago, Illinois 60601
(312) 793-2431

g) Pursuant to Section 13.05 of the Business Corporation Act of 1983 [805 ILCS 5/13.05], out-of-state contractors are required to secure a certificate from the Illinois Secretary of State authorizing them to do business in Illinois. The certificate must be obtained prior to the execution of a contract. Application forms can be obtained from:

Illinois Secretary of State
Corporation Division
Centennial Building
4th Floor
Springfield, Illinois 62756
(217) 782-1834

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 650.80 Issuance and Effect of Ratings

a) Once the Prequalification Section has completed its analysis of all information relevant to the determination of ratings and has

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established the ratings of the applicant, a Certificate of Eligibility will be issued to the applicant. A copy of the Certificate of Eligibility will be provided to requesting units of local government.

b) The Certificate of Eligibility permits the prequalified contractor to make application for Authorization to bid on contracts in accordance with the procedures of Subpart B of this Part. The Certificate of Eligibility may be used by units of local government as evidence of contractor eligibility to bid on contracts advertised and awarded by the units of local government with approval by the Department as required by law.

c) The Certificate of Eligibility and the ratings therein confer neither a license nor a right to bid on or to be awarded a contract. Prequalification is an initial, preliminary determination of responsibility which must be finally determined at the time of award and execution of a contract advertised by the Department or at the time of approval in the case of contracts subject to Department approval by law.

d) Financial Interest Disclosure

1) Section 50-35 of the Illinois Procurement Code [30 ILCS 500/50-35] requires that all bids of more than \$10,000 be accompanied by disclosure of the financial interests of the bidder. The financial interests to be disclosed include the ownership or distributive income share that is in excess of 5% or an amount greater than 60% of the annual salary of the Governor, of the bidding entity or its parent entity, whichever is less, unless the contractor or bidder is a publicly traded entity subject to Federal 10K reporting, in which case it may submit its 10K disclosure in place of the prescribed disclosure. The disclosure includes the names, addresses, and dollar or proportionate share of ownership of each person making the disclosure, the instrument of ownership of each person making the disclosure having any of the relationships identified in Section 50-35 of the Code and on the disclosure form provided by the Department with the Invitation for bids in the Transportation Bulletin.

2) A contractor that is issued a Certificate of Eligibility and that intends to make application for Authorization to bid on contracts in accordance with the procedures of Subpart B of this Part may file the disclosure forms with the Prequalification Section and periodically update the forms as necessary in order to comply with the disclosure requirements.

3) The Invitation for Bids issued by the Department provides space for the bidding contractor to incorporate by reference the disclosure forms on file and to certify that the forms are accurate.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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Section 650.110 Denial or Revocation of Ratings

a) Prequalification ratings will be denied, or previously issued ratings will be revoked, in the event the Department finds the applicant or contractor to be nonresponsible. Reasons or events for a finding of nonresponsibility include but are not limited to the following. The Department shall be notified by the applicant or prequalified contractor of any information known to them which is relevant to any of the following reasons:

- 1) the applicant failed to provide complete information regarding each item and schedule set forth in the application for prequalification or otherwise requested by the Department;
- 2) the applicant provided false information regarding the application;
- 3) the applicant is suspended pursuant to Sections 20-75 and 50-65 of the Illinois Procurement Code [30 ILCS 500/20-75 and 50-65] ~~Section 6(d) of the Illinois Purchasing Act (30 ILCS 505/6(d))~~ by the Department or another State agency;
- 4) the applicant is suspended or debarred by the United States through a federal agency;
- 5) the applicant is suspended by the Department of Labor pursuant to Section 11a of the prevailing Wage Act [820 ILCS 130/11a];
- 6) the applicant is suspended or debarred because of bid rigging or bid rotating convictions pursuant to the provisions of Article 33E of the Criminal Code of 1961 [720 ILCS 5/Art. 33E];
- 7) the applicant is debarred by the operation of the antiribbery provisions of Section 50-5 of the Code [30 ILCS 500/50-5]; ~~10-1 of the Illinois Purchasing Act (30 ILCS 505/10-1);~~
- 8) the applicant is suspended by operation of the antifelony conviction provisions of Section 50-10 of the Code [30 ILCS 500/50-10]; ~~10-3 of the Illinois Purchasing Act (30 ILCS 505/10-3);~~
- 9) the applicant is suspended or debarred pursuant to the operation of Section 6 of the Drug Free Workplace Act [30 ILCS 580/6];
- 10) the applicant is an individual and debarred by operation of the Educational Loan Default Act [5 ILCS 385];
- 11) the applicant is prequalified in an unaudited status and is awarded \$600,000 in transportation contracts during a twelve month period;
- 12) the applicant has failed to comply with the requirements of this part;
- 13) the applicant has filed for protection from creditors pursuant to the bankruptcy laws of the United States;
- 14) the applicant's performance evaluation is at or below the levels provided in Section 650.240(e) and (f) of this Part; or
- 15) the applicant has failed to execute a contract after award or has defaulted or otherwise breached its obligations on any contract or contracts awarded or approved for award by the Department.

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b) If an application is denied or prequalification is revoked by the Department, the applicant shall be sent a notice of denial or revocation in lieu of a Certificate of Eligibility setting forth the reason or reasons for denial or revocation.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART B: ISSUANCE OF PLANS AND PROPOSALS

Section 650.290 Advertising for Bids

a) An advertisement for bids is published in the Transportation Bulletin ~~official newspaper of the State of Illinois.~~

b) The Transportation Service Bulletin is the official publication and invitation issued by the Department for bids on construction projects. It contains a brief description of the work involved in each project and the quantities of the major pay items. It also states the location and time when the bids will be opened.

c) The Transportation Service Bulletin is sent to all contractors who are prequalified with the Department. Other persons who may be interested in serving as subcontractors or material suppliers may subscribe to the Transportation Service Bulletin at the established subscription price from:

Illinois Department of Transportation
Bureau of Administration and Facility Services
2300 South Dirksen Parkway
Springfield, Illinois 62764
(217) 782-7806

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 650.300 Request for Proposal Forms and Plans; Authorization to Bid

A Request for Proposal Forms and Plans and Request for Authorization to Bid (Form BD-124) is attached to the Service Bulletin. The Form BD-124 shall be used by contractors to request proposals and plans and to request formal authorization to bid on contracts advertised in the Transportation Service Bulletin. Anyone may obtain proposal forms and plans regardless of prequalification status. An Authorization to Bid must be granted in accordance with this Part before a prequalified contractor may submit a bid.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 650.310 Affidavit of Availability

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- a) An Affidavit of Availability (Form BC-57) is attached to the Transportation Service Bulletin and must be submitted with a request for Authorizations to Bid. It is a sworn statement concerning the contractor's present and pending contract commitments. The contractor shall not omit or misrepresent its work outstanding. When the contractor has uncompleted or pending work as a party of a joint venture, the contractor's responsible portion of the work shall be shown. The affidavit shall be signed by an officer or director of a corporate contractor, and otherwise, an owner shall sign. The affidavit is not required when a contractor has unlimited work ratings and an unlimited financial rating or when Authorization to Bid is not being requested. The affidavit shall include:
- 1) The amount of all uncompleted work, by type, either as a principal or subcontractor together with the name of the agency under whose jurisdiction the work is being performed. All uncompleted work shall be based upon the engineer's or owner's most recent estimate.
 - 2) The commitment of equipment and personnel on a payroll or rental basis even though no formal contract exists.
 - 3) All work on which the contractor is the low bidder and which has not yet been awarded.
 - 4) A listing of all subcontractors and the value of work sublet.
- b) Prospective bidders shall notify the Department within two working days of any low bids pending award or contracts awarded which might occur between the submission of the affidavit and the opening of bids.
- c) Facsimiles of the affidavit will be accepted for analysis purposes. Authorization to Bid will not be issued without a correct, signed and notarized original affidavit in the Department's Central Bureau of Construction's possession by the cut-off date specified in the Transportation Service Bulletin.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 650.315 Disclosure of Other Procurement Relationships

- a) Section 50-35(h) of the Illinois Procurement Code (30 ILCS 500/50-35(h)) requires that all bids of more than \$10,000 be accompanied by disclosure of all current or pending contracts, proposals, leases, or other ongoing procurement relationships the contractor has with any other unit of State government. This disclosure is required in addition to the financial interest disclosure provided at Section 650.80(d) of this Part.
- b) The Department provides the form for making the required disclosure of other procurement relationships with the Invitation for Bids in the Transportation Bulletin.
- c) Contractors submitting an Affidavit of Availability with a request for Authorization to Bid may incorporate by reference on this disclosure

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form the contents of the Affidavit of Availability that are responsive to the disclosure requirement. Procurement relationships that are not included in the Affidavit of Availability shall be disclosed on the form. Contractors not required to submit an Affidavit of Availability as provided in Section 650.310(a) of this Part shall make the required disclosures on the disclosure form.

(Source: Added at 22 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Standards for Award of Grants: School Construction

2) Code Citation: 71 Ill. Adm. Code 40

3) Section Numbers: Adopted Action:

40.100 New

40.110 Amendment

40.120 Amendment

40.130 Amendment

40.140 Amendment

4) Statutory Authority: Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Section 5-55 of that Act and the School Construction Law [105 ILCS 230].

5) Effective date of Rule: May 21, 1998.

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule contain incorporations by reference? No

8) Date filed in Agency's Principal Office: May 21, 1998.

9) Notice of Proposal Published in Illinois Register: March 13, 1998; 22 Ill. Reg. 4534.

10) Has JCAR issued a Statement of Objections to this rule? No

11) Difference(s) between proposal and final version: The only changes made were in response to comments made by the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency rule currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: Defines procedures and Standards required by the School Construction Law.

16) Information and questions regarding this adopted rule shall be directed to:

Claire Gibson, Deputy Chief Counsel
Capital Development Board
3rd Floor, Wm. G. Stratton Bldg.

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Springfield, Illinois 62706

Telephone: 217/782-2864

The full text of the adopted rule begins on the next page:

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TITLE 71: PUBLIC BUILDINGS, FACILITIES AND REAL PROPERTY
CHAPTER I: CAPITAL DEVELOPMENT BOARD
SUBCHAPTER a: RULES

PART 40
STANDARDS FOR AWARD OF GRANTS:
SCHOOL CONSTRUCTION ELEMENTARY-AND-SCHOOL-AND-SCHOOL-ASSISTANCE
PROGRAM

- Section
40.100 Definitions
40.110 General Statement
40.120 Planning Assistance Grants (Repealed)
40.130 Construction Grants
40.140 Debt Service Grants (Repealed)

AUTHORITY: Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Section 5-55 of that Act and the School Construction Law [105 ILCS 230].

SOURCE: Adopted at 2 Ill. Reg. 30, p. 140, effective July 27, 1978; amended at 4 Ill. Reg. 9, p. 233, effective February 14, 1980; amended at 5 Ill. Reg. 1890, effective February 17, 1981; amended and codified at 8 Ill. Reg. 20342, effective October 1, 1984; amended at 9 Ill. Reg. 17345, effective October 29, 1985; amended at 13 Ill. Reg. 6973, effective April 21, 1989; amended at 20 Ill. Reg. 15244, effective November 15, 1996; emergency amendment at 22 Ill. Reg. 2597, effective January 13, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 95-18-3 effective MAY 21 1998.

Section 40.100 Definitions

The following definitions shall apply to this Part:

- "Enrichment Cost" means expenditures not included in the recognized project cost and designated as ineligible expenditures by the Capital Development Board.
- "Local Share" means funds provided by the local district equal to the recognized project cost subtracting the State share.
- "Recognized Project Cost" means the total of eligible State and local funds necessary to provide for the acquisition, development, construction, reconstruction, rehabilitation, improvement, architectural planning and installation of capital facilities consisting of buildings, structures, durable equipment and land for educational purposes as determined by the Capital Development Board.
- "State Share" means the product of the district grant index and the

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recognized project cost, as determined by the Capital Development Board.

"Unit Cost" means a dollar/sq.ft. cost used for determining the recognized project cost for new construction projects and additions. Costs include A/E design fees, building construction to the five foot line, fixed equipment, associated legal fees and contingency.

(Source: Added at 22 Ill. Reg. 95-18-3 effective MAY 21 1998)

Section 40.110 General Statement

- a) The Capital Development Board (hereinafter "Board") will implement the School Construction Law through its School Construction Program (hereinafter "SCP").
- b) The Board will make no grant awards prior to compliance by the school district with the State Board of Education regulations for grant entitlement [105 ILCS 230/5-5] (see 39-BES-3105/14-17).
- c) Simultaneous with the submission of applications and district facility plans to the State Board of Education, such documents shall be submitted to the Board. The Board shall request submission of additional information in those cases in which the applications and facilities plans do not include all data necessary to fully evaluate the building needs, based on projected enrollment and anticipated program. The Board shall request submission of additional information related to projected enrollment and anticipated program where the application and facilities plans need further clarification, contain discrepancies in information and/or are missing information needed to fully evaluate the building needs.
- d) School districts failing to have access to provide the local share of funds within the time period set forth in Section 40.130(c)(7)(F) of this part 40.130 shall be reauthorized to establish its priority standing and must update its application to establish its priority ranking for the following reapply in the next fiscal year.
- e) If the School District begins the project in some manner (such as letting bids, awarding contracts, or starting actual construction) after entitlement is issued by the State Board of Education, such actions shall have no effect on the eligibility for a construction grant.
- f) School districts shall enter into intergovernmental agreements with CDB which may include, but are not limited to, provisions for the following: 4) The Board will construct and rehabilitate schools according to the building code as established and approved by the State Board of Education (see 105-BES-5/35-10); 1) Funding of the State share in progress payments to school districts for project costs in a manner that meets the needs of the particular construction project, upon proper submittal by the

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school district.

- 2) Agreement of the school district to comply with all applicable statutes, codes, and rules.
- 3) Establishment and maintenance of a separate set of accounts for the construction, study, and planning of the project in accordance with generally accepted accounting principles (FASB Accounting Standards, Financial Accounting Standards Board, High Ridge Park, Stanford, Connecticut 06905 (1998)).
- 4) Access to the work, materials, payrolls, and other data and records relevant to the project for purposes of audit and inspection by CDB, or other authorized agencies.
- 5) That the Architect retained by the School District shall certify on each payment submittal that the expenditures were in accordance with the provisions of the appropriation Act and the terms of the intergovernmental agreement.
- 6) Increases in project costs added by change order shall not increase the amount of the State share.
- 7) If the School District requests CDB to assume administrative or oversight duties, the extent of those duties requested shall be described in the intergovernmental agreement.
- 8) Other provisions as may be necessary, including those required to ensure a legal and binding agreement.

(Source: Amended at 22 Ill. Reg. 9518, effective MAY 31 1998)

Section 40.120 Planning Assistance Grants (Repealed)

- a) The purpose of a Planning Assistance Grant is to enable a school district to develop a school construction project program for design implementation. Planning Assistance Grants may be given for such activities as:
 - 1) Analyzing and determining specific school construction needs including estimates and scope for remodeling and/or rehabilitation of existing facilities;
 - 2) Technical evaluation of sites for construction;
 - 3) Health and life/safety surveys of specific facilities for which districts intend to request a School Construction Grant;
 - 4) Construction program statement development to establish functional relationships, work patterns, and traffic flow required by the educational program of the district;
- b) The amount of funds available for Planning Assistance Grants shall be a percentage of the appropriations made pursuant to the School Construction Bond Act (90-1085-990) as determined by the Board but may not exceed 2% of such appropriations.
- c) The implementation of the planning process must emphasize community and State Board of Education participation.
- d) The Recognized Planning Cost shall be determined by the Board. The

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- e) When favorable Capital Development Board action has been taken on Planning Assistance Grant Awards, local school districts must provide the district's share of the Total Planning Project Cost by depositing same in the State treasury or by establishing a local trust account pursuant to 71 Ill. Admin. Code 30- Supervision of grant disbursement and contractual obligations shall be the responsibility of the Board.

(Source: Repealed 22 Ill. Reg. 9518, effective MAY 31 1998)

Section 40.130 Construction Grants

Prior to the award of a construction grant, school districts shall meet the following requirements:

- a) Program Statements
 - 1) Project Rationale
 - 2) The Community
 - 3) Education plan
 - A) Curriculum plan
 - B) Instruction method
 - C) Support plans
 - 4) Description of Activity Areas
 - 5) General Building Considerations
 - 6) Site Analysis
 - 7) Time Schedule of Major Events
 - 8) Cost Estimates and Funding Sources
 - 9) Spatial Relationships
 - 10) Spatial Measurements
 - 11) Cost-Balances and Funding Sources
 - 12) Time Schedule of Major Events
- b) Prohibited Uses
 - 1) Program statements shall not include any on-going operational costs or any construction projects for which the General Assembly and the Governor have approved specifically designated funds.
 - 2) Standards for School Site Selection and Approval

CAPITAL DEVELOPMENT BOARD

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- e) When favorable Capital Development Board action has been taken on Planning Assistance Grant Awards, local school districts must provide the district's share of the Total Planning Project Cost by depositing same in the State treasury or by establishing a local trust account pursuant to 71 Ill. Admin. Code 30- Supervision of grant disbursement and contractual obligations shall be the responsibility of the Board.

(Source: Repealed 22 Ill. Reg. 9518, effective MAY 31 1998)

Section 40.130 Construction Grants

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 - 2) Standards for School Site Selection and Approval

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- 1) The local school board shall select the sites for all new projects subject to the determination of the Board that the proposed site meets all minimum engineering and construction standards or requirements.
- 2) ~~The Board will not approve a new site until the applicant district has informed the chief executive officer of the local government unit within whose jurisdiction the proposed site lies and has obtained any necessary approval of the district's plans as they may be affected or be affected by the plans and policies of the local government.~~
- 3) ~~Equal Educational Opportunity~~
~~the proposed site must support legitimate efforts to eliminate and prevent segregation in schools because of race, religion, sex or national origin. The placement of the school must, at minimum, be approved by the State Board of Education in this respect.~~
- 2) ~~4) Suitability for Development and Construction~~
~~A) The site must be free of physical structures, topographical features or subsurface physical conditions that would preclude necessary construction, present insurmountable obstacles to safety or normal utilization, shorten building life, cause excessive delays in project completion, or cause costs to exceed the funds available. "Necessary construction" shall include but not necessarily be limited to: buildings, utility lines, storm water disposal arrangements and paving. The local district shall provide a report, acceptable to the Board, on soil conditions based on the removal of soil for testing. The cost to the local school district of the soil test and report of that test shall be considered as a credit to the local share of the recognized project cost if the site is approved and a grant award is made.~~
- B) ~~The site must not be subject to existing or foreseeable, harmful or disruptive environmental hazards and nuisances. Such hazards and nuisances may include, but are not necessarily limited to: excessive dust, smoke, noise, odors, air pollutants, soil pollutants, floods, ground water incursions, vibrations, explosions, and electrical discharges. Site acquisition shall be subject to the Farmland Preservation Act [505 ILCS 75], Interagency Wetland Policy Act of 1989 [20 ILCS 830], Illinois State Agency Historic Resources Preservation Act [20 ILCS 3410], Archaeological and Paleontological Resources Protection Act [20 ILCS 3435] and the Illinois Endangered Species Protection Act [520 ILCS 10], as may be applicable.~~
- 3) ~~5) Availability of Site~~
~~A) The local district shall have a period of 150 days from the time of grant award to acquire title to the site, or rights~~

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- of use and exclusion sufficient to carry out the purposes and programs of the school. Such time period may be extended for 60 days by the Executive Director. Any further extension must be approved by the Board. Extensions will be granted in those cases in which there is a reasonable expectation that the district will be able to acquire the site within the period of the extension and the delay has been occasioned by a condition beyond the control of the district, such as a delay in acquiring a title commitment.
- B) A grant will not be awarded until the Board has had a reasonable opportunity to enter upon the site, inspect it in detail, and conduct whatever site tests are deemed necessary to establish the suitability of the site for school purposes.
- C) The Board will not approve a site unless its development and use for the proposed school is in compliance with applicable local zoning laws, or unless action has been taken to bring variation of same into compliance.
- D) When street vacations, utility relocations, or such action will be required prior to start of construction, the local district must present documentation that such actions will be approved by the responsible local governmental units before the Board will approve the site.
- 4) ~~6) Site Size and Configuration~~
~~A) The proposed site must contain usable space sufficient in size and of regular configuration so as to accommodate the school's on-site program as well as to accommodate ancillary functions that are better served on-site than off-site, such as parking, bus loading and unloading, casual student assembly and play, and pedestrian movement between different points on the site.~~
- B) ~~The school's on-site program shall be defined to include the school's instructional program and any other activities and events the applicant school district plans to conduct on the site. The applicant may tailor its on-site program to fit the site proposed, but the Board will not approve a site that is insufficient to accommodate a program that is standard for the district as a whole, nor will the Board approve a site that does not permit full compliance with program standards as embodied in Section 2-3.25 of the School Code [105 ILCS 5/2-3.25] and determined by the State Board of Education. Determination of the adequacy of the site's space in terms of the number of students shall be based on the design capacity of the school building.~~
- C) ~~Space for Buildings~~
~~In addition to those portions of the site required for other purposes, there must be a portion or portions of the site that are of such size, shape and physical quality that they~~

CAPITAL DEVELOPMENT BOARD

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are sufficient to accommodate the buildings that would be required by the maximum design enrollment of the school. This "building reserve" must be at least sufficient in ground area to provide for gross floor space, as set forth in the section on space standards for new construction, subsection (c)(4)(D) of this Section--40-130-1b(6)(b). For facilities with more than one floor the "building reserve" must be at least sufficient in ground area to provide for one-half the gross floor space.

- D) Non-Building Space
- i) At a minimum, the site must provide the following amounts of space (in addition to that reserved for buildings to meet "Special Requirements" as defined in subsection (c)(4)(E) of this Section Section 40-130(b)(6)(b) following) of a shape, character and location that the site they can readily be improved to provide areas suitable for physical education and recreation, any planned accommodation of vehicles, and the accommodation of outdoor access, circulation and evacuation in accordance with CDB's List of Eligible Capital Infrastructure Program Expenditures for Construction of New School Facilities (see subsection (c)(7), "List of Eligible Expenditures").

Minimum-Usable-Area-for-Non-Building-Needs

School Grades	Sqr-Ftr Student	Acres-for-Sample-Enrollments	
		200	500
K-6	113	752	1-30
7-9	143	1-64	3-20
10-12	195	4-40	6-57

- ii) For additions to existing schools, the addition should not be planned on existing open space and/or playground area of existing schools, unless it can be demonstrated that the construction of the addition will not reduce the amount of space necessary to fulfill the program and provide adequate recreational space.

iii) in--these--instances--where--a-combination-of-the-above minimum-area-requirements-results-in-a--total--minimum requirement--less--than--1.5-acres--1.5-acres--shall-be considered-the-minimum-acceptable-acreage-

- E) Special Requirements
- Irrespective the--above--are--minimums--for--usable---area- However--irrespective of required these minimums, the site must be of sufficient size to provide for the following

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needs as indicated:

- i) Space for Outdoor On-Site Program
- There must be a portion or portions of the site, in addition to those reserved for other purposes, that are of such size, shape and physical character that they can be readily improved to accommodate the safe conduct of the outdoor portions of the on-site school program. The site must permit the safe conduct of a physical education program that meets district standards, taking into account the varying physical capacities of students, types and amounts of activities in the physical education program, and the daily and yearly time schedule of the school.
- ii) Accommodation of Vehicles
- There must be portions of the site, in addition to those necessary for other purposes, that are of such size, shape, physical quality and location that they can provide spaces for vehicles as indicated below without contravening local zoning ordinances: safe loading and unloading areas for school buses, where areas are necessary to the safety of students from street traffic; secure and convenient parking spaces for staff, visitors, and students in conformance with district policies; and safe accommodation of delivery and service vehicles involved in serving the school.
- iii) Access, Circulation, Evacuation Assembly
- There must be portions of the site of such size, shape, physical quality and location that they can be improved to provide: unobstructed exterior avenues of escape from the exits of all proposed buildings and the areas adjacent to buildings in the event that evacuation is necessary; safe and convenient circulation by students between and among the building(s) and outdoor activity areas of the site; safe accommodation for the unsupervised outdoor assembly of students and their pastimes before school, after school, at lunch breaks and at recesses; safe accommodation of the outdoor assemblies of students and spectators occasioned by school-sponsored spectator events to be held on the site.

- F) Variance of Site Size and Configuration

The Board will approve a proposed site which does not meet the minimum requirements of this subsection (c)(4) Section 40-130(b)(6)(b) when all the following criteria have been met:

- i) The local school board petitions the State Board of Education and the Board for a variance from the minimum requirements of this subsection (c)(4) Section

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administration of the educational and support program of the school. CDB will not participate in funding administrative facilities intended for district administration.

C) CDB will not fund facilities intended for commercial use by profit making organizations. This is not meant to exclude facilities to be operated by non-profit organizations such as student groups, PTAs, etc.

D) Although CDB encourages development of facilities intended for joint use by school and community, CDB's participation in the funding of facilities intended for joint use by school and community is limited to those items required to meet the needs of the school's educational and support programs.

E) CDB will not participate in funding facilities designed exclusively for interscholastic activities. For example, although CDB will fund locker facilities in sufficient numbers to provide for the physical education program needs of a school's own students, CDB will not fund separate locker facilities for the exclusive use of visiting school teams.

F) Off-site improvements are defined as any improvements outside of the property line. Off-site improvements are not recognized as eligible project costs except under exceptional circumstances and only in those cases where the off-site improvements are necessary to the functional operation of a school facility. The following specific policies apply to off-site improvements:

i) Off-site improvements that exceed the requirements needed for the project are ineligible project costs. For example, if a larger water main is desired by the locality than is needed for the school project itself, CDB will not participate in any cost attributable to the increased size of the main.

ii) The district must provide certification that local and/or federal funding sources are not available to the district or any other public body for off-site improvements before CDB will consider participation in their funding.

iii) CDB's participation in funding off-site improvements is only permitted if the off-site property or interest in the property, such as an easement or leasehold, is owned by a public body.

iv) Prior to grant award, as part of the pre-grant analysis, CDB will perform a cost-benefit analysis regarding the implications of off-site improvements for alternative sites. In evaluating need for off-site improvements, CDB will consider trade-offs among factors such as cost of off-site improvements,

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40-130(b)(6)(A)-(E) stating with specificity the reasons for such variance.

ii) the local school board certifies to the Board that the requested variance will not place the facility in noncompliance with the educational program standards as described in Section 3-3-25 of the School Code (105 ILCS 5/2-3-25) or with any federal laws or regulations.

iii) The State Board of Education certifies to the Board that the variance complies with all requirements of the School Code and rules educational program standards of the State Board of Education (23 Ill. Adm. Code 151) as described in 23-III-Adm-Code Subtitle A Chapter I and the State Board of Education identifies in its certification which of the minimum requirements is to be varied and to what extent.

5) Utilities and Services

A) Water Supply
Water must be available at the site in sufficient volume and delivery rates and of appropriate quality to serve the firefighting needs of the proposed school as well as to accommodate other forms of water consumption.

B) Sanitary Sewage Disposal
The location or character of the site must not prevent the disposal of sanitary sewage from the school.

C) Storm Water Disposal
The location or character of the site must not prevent the disposal of storm water from the school.

D) Electric, Power, Telephone, Gas
The site must present no obstacles to the provision of electric power, telephone services, and whatever gas service the school may require at the point in the construction process when utility hook-ups are made.

E) Solid Waste Management Systems
Solid waste management services must be available to the site.

6) Architect-Engineer Selection

The selection of an architect-engineer shall be in accordance with the Local Government Professional Services Selection Act [50 ILCS 510] 44-III-Adm-Code-1000-110. Grants will not be awarded to local school districts which have contracted with an architect or engineer unless the selection of the architect or engineer has been previously approved by the Board.

7) List of Eligible Expenditures:

A) CDB will participate in the funding of academic facilities for all programs approved by the State Board of Education.

B) CDB's participation in the funding of administrative facilities is limited to that space required for the

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- B) Project Space Standards for New Construction and Additions
- i) General
- CDB shall establish detailed project standards including space and capacity standards in the List of Eligible Expenditures (see subsection (c)(7)). New schools with adequate space for all necessary instructional and ancillary activities require more space per students than additions to existing schools. Different space standards are required to accommodate different grade levels, i.e., Pre-K-6, 7-9, and 9-10-12. Economies of scale in terms of space per student can be anticipated for larger schools. New construction should involve no less than the gross space allowance for 100 elementary students, 200 junior-high students, or 450 senior-high students except under unusual circumstances.
- ii) Square Footage
- The following maximum standards are established for the determination of the State share of the recognized project cost in connection with a construction grant:

Square Foot Per Student

ELEMENTARY (Pre-K-6)

Gross square feet	100
per student	
per additional student beyond 240	82

MIDDLE/JUNIOR HIGH SCHOOL (7-9)

Gross square feet	120
per student	
per additional student beyond 400	100

HIGH SCHOOL (9-12)

Gross square feet	140
per student	
per additional student beyond 600	110
New Elementary School	K-6

Gross-sq-footage-per-student 76

Gross-sq-footage-per additional-student-beyond-240 students 62

- cost of site, and desirability of site location. For example, site acquisition cost plus major off-site improvements cost may still be less for one site than for another site requiring only minor off-site improvements. In such special cases, a site requiring major off-site improvements could be preferred. However, the specific policies in subsections (c)(7)(F)(i), (ii) and (iii) still apply.
- G) On-site improvements may be defined as any improvements outside the building's 5-foot line but inside the property line of the site. CDB's participation in funding on-site improvements is limited to those minimum requirements that are necessary to making the site functionally operational. CDB will evaluate space types of a sophisticated nature that support specialized activities in an elementary, middle/junior high school or high school. CDB will identify facilities of this type. Justification must be based on programmatic need. Such justification, to obtain the support of CDB, must have the support and concurrence of the State Board of Education.
- I) CDB will participate in the funding of vocational/technical facilities for all programs approved by the State Board of Education.

8)9) State and Local Financial Participation in School Construction Projects

- A) Determination of Recognized Project Cost
- i) Recognized project cost shall be based upon calculations in accordance with the List of Eligible Expenditures (see subsection (c)(7)) and shall include unit cost (\$/sq.ft.) as follows: buildings constructed to the five foot line, design and construction contingencies, building fixed equipment; plus additional associated costs as deemed appropriate by the Board in consultation with local school districts as follows: site improvements including related A/E fees and reimbursements, land acquisition and associated legal fees for the project site acquired, movable equipment, and utility service lines, both on-site and off-site, and special foundation construction and related A/E fees deemed necessary as a result of unusual sub-surface soil conditions.
- ii) The Board shall establish and include in the List of Eligible Expenditures (see subsection (c)(7)) unit cost limitations for elementary, secondary and vocational school construction based upon periodic review and revision of maximum cost per gross square foot allowances.

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New-Junior-High-School	7-9
Gross-sq-footage-per-student	±20
Gross-sq-footage-per-additional-student-beyond-400 students	±00
New-High-School	10-12
Gross-sq-footage-per-student	±40
Gross-sq-footage-per-additional-student-beyond-600 students	±10

E) For new additions to existing buildings, total projects should be planned for not less than the gross space allowance for 150 students. Multiple sites may be considered but for no less than 50 students at any one site. Space standards for additions should not exceed those for new buildings as detailed in subsection (9)(B) above. Unless a variance is granted by the Board based on evidence of projected enrollments and space needs presented by the user agency, space standards should equal those set forth in subsection (9)(B) above for additional students beyond the base numbers of 240 students for elementary, 400 students for junior high and 600 for new high schools. Applications from school districts over 500,000 inhabitants should be limited to those projects planned for new construction or large additions (over 450 pupils) for the project year.

C) Remodeling or Rehabilitation

The recognized project cost for remodeling/rehabilitation projects must be developed on an individual basis with space per student not to exceed standards set for construction of building additions as set forth in subsection (C)(7)(B) subsections (9)(B) and (E) above, and unit costs not to exceed standards for new construction as established from time to time by the Board.

D) Premises for Space Standards

- All necessary types of space shall be included for freestanding schools.
- An average space-per-student can be derived from space type need by level: elementary, middle/junior high and high school.
- Space needs for additions to existing schools may be less than needs for freestanding schools.
- A building efficiency (net assignable space to total

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v) space) of 65% is the acceptable minimum. Unit costs (\$/sq.ft.) used for determining the recognized project cost, including A/E design fees, building construction to the five foot line, fixed equipment, associated legal fees and a contingency shall be no greater than those unit costs established from time to time by the Board. Said unit costs are determined as needed and are established by resolution of the Board and included in the List of Eligible Expenditures (see subsection (C)(7)). In establishing unit costs the Board members shall be guided by current costs within the construction industry and the goal of receiving fair value for public funds expended.

E) Limits on SCP EAP Participation and Site Cost Districts will not receive Board assistance or credit for acreages beyond the following maximums:

Elementary (Pre-K-6) - 5 acres plus 1 acre per 100 students, Middle/Junior High (7-9) - 15 20 acres plus 1 acre per 100 students, and High School (9-12) - 20 30 acres plus 1 acre per 100 students.

F) The State and local share of the recognized project cost shall be computed by multiplying the recognized project cost by the Grant Index as defined by the School Construction Law and determined by the State Board of Education. Local districts must have access to provide the local district share of the recognized project cost through bond referendum or other means within 90 days after of the grant award by the Board. Such period may be extended by the Executive Director for a maximum period of 30 days if the district demonstrates that appropriate steps have been taken to obtain the district's share of the recognized project cost and that an additional 30 days is necessary to complete the process. Local school districts are urged to begin referendum proceedings upon grant entitlement by the State Board of Education.

G) The local district share of the recognized project cost may shall be placed in a local trust account pursuant to 71 Ill. Adm. Code 30.

H) School districts may add to a project cost beyond the recognized project cost with local district funds. Funds for such project supplements may be deposited in local inviolable trust accounts.

I) All enrichment project costs that are not included in the recognized project cost and designated as ineligible expenditures by the Capital Development Board will be paid by the local district. To insure that State funds are

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applied only to the recognized project cost; the percentage of the architect's design estimate by trade, will be applied to the bids to determine the portion representing the recognized and supplemental project cost; the actual recognized project cost as derived from the above bidding will be multiplied by the grant index to determine the final dollar amounts to be paid by the State and local school districts; the supplemental project cost will be paid by the local school district as specified in subsection (9)(f); Any savings realized in bidding shall be equitably distributed between the State and the local school district.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 40.140 Debt Service Grants (Repealed)

- a) The Board shall verify amount of principal and interest due in the fiscal year that the application is received.
- 1) School districts shall submit to the Board a list of bonds eligible for participation as defined in the Capital Assistance Program guidelines.
- 2) Eligible bonds must have principal and interest payments due during the current program year.
- 3) A copy of the county clerk's certification certifying the principal and interest payment due during the current fiscal year for eligible participation shall be submitted to the Board.
- b) The Board shall determine according to the provisions of Sections 1A-5-1 through 1A-11 the Capital Development Board Act of 1985 3105/1A-5-1 through 1A-11, the amount to be awarded.
- c) Applications for debt service must be made by school districts for each year of this Capital Assistance program.
- d) Bond funds needed for the local school district's share or supplemental cost of a project being constructed through a Capital Assistance program construction grant shall be ineligible for a Debt Service Grant.
- e) Bond funds not used to finance school construction shall be ineligible for funding under the Debt Service Program.

(Source: Repealed May 21 1998 22 Ill. Reg. 9518, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Accounting for Non-Public Utility Business of Electric Utilities
- 2) Code Citation: 83 Ill. Adm. Code 416
- 3) Section Numbers: Adopted Action:
416.10 New Section
416.20 New Section
416.30 New Section
- 4) Statutory Authority: Implementing Section 7-206 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/7-206 and 10-101].
- 5) Effective Date of Rules: June 1, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these rules contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: May 20, 1998
- 9) Notice of Proposal Published in Illinois Register: January 12, 1998, 22 Ill. Reg. 2039
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: In the text of the rules, change "within 30 days of the effective date of this Part" to "February 12, 1998".
- In the text of the rules, change "the effective date of this Part" to "January 13, 1998".
- Section 416.10(a): Delete "or not".
- Section 416.10(b): After "Allocations of" add "revenues and charges" and delete "a charge". After "business." add "If an electric utility uses a method other than subaccounts to identify revenues and expenses related to certain functions, activities, or projects of the public utility business, it is appropriate for the electric utility to use the same method to identify revenues and expenses related to each non-utility business."
- Section 416.20(a): After "allocating" add "revenues and". After "only" add "or unless the public utility previously has submitted such guidelines".
- Section 416.20(b): After "allocating" add "revenues and". After "business." add "These guidelines shall be submitted to the Director of Accounting of the Commission. If the Director of Accounting finds that the

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cost allocation guidelines provide a subsidy to the non-public utility business, the Director of Accounting will notify the electric utility in writing, and the electric utility will have 45 days to respond."

Section 416.30(a): Replace "annual" with "biennial". After "audits" add "or internal audits conducted by independent public accountants". Delete "approved by" and replace with "submitted to".

Section 416.30(b): After "succeeding" add "even numbered".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these rules replace emergency rules currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules: It is necessary for accounting procedures to be in place to prevent direct or indirect cross-subsidization between the public utility and the non-public utility business. If expenses which support non-public utility business are included in the public utility business, the public utility customers would suffer irreparable harm and consequences. If expenses associated with the non-public utility business were included as a cost of the public utility business in a Commission proceeding to examine the appropriate level of rates of the public utility, the public utility customers would be responsible for expenses which properly belong to the utility's non-public utility business. Rates would be higher than they would have been had not these non-public utility business expenses been included in the cost of service.

16) Information and questions regarding these adopted rules shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
(217)785-3922

The full text of the Adopted Rules begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

TITLE 83: PUBLIC UTILITIES
CHAPTER 1: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER c: ELECTRIC UTILITIES

PART 416

ACCOUNTING FOR NON-PUBLIC UTILITY BUSINESS OF ELECTRIC UTILITIES

Section

416.10 Maintenance of Books and Records and Commission Access

416.20 Cost Allocation Guidelines

416.30 Internal Audits

AUTHORITY: Implementing Section 7-206 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/7-206 and 10-101].

SOURCE: Emergency rules adopted at 22 Ill. Reg. 2318, effective January 13, 1998, for a maximum of 50 days; adopted at 22 Ill. Reg. 2318, effective JUN 01 1998.

Section 416.10 Maintenance of Books and Records and Commission Access

a) Electric utilities shall maintain all accounts, irrespective of whether the activity, transaction, or other matter being accounted for constitutes public utility business, in accordance with 83 Ill. Adm. Code 415, Uniform System of Accounts for Electric Utilities.

b) Activities, transactions and other matters pertaining to business other than public utility business shall be recorded in subaccounts of the accounts established in 83 Ill. Adm. Code 415. Allocations of revenues and charges made between the operations of the public utility business and the business other than public utility business shall be made to the principal utility account and to a subaccount created specifically for the non-public utility business. If an electric utility uses a method other than subaccounts to identify revenues and expenses related to certain functions, activities, or projects of the public utility business, it is appropriate for the electric utility to use the same method to identify revenues and expenses related to each non-utility business.

Section 416.20 Cost Allocation Guidelines

- a) Written guidelines for allocating revenues and charges between the public utility business and the business other than public utility business shall be submitted to the Director of Accounting of the Commission for approval by February 12, 1998 unless the public utility conducts public utility business only or unless the public utility previously has submitted such guidelines.
- b) When a public utility that does not conduct any business other than public utility business as of January 13, 1998 begins to conduct such

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other business after January 13, 1998, the public utility shall submit the guidelines for allocating revenues and charges between the public utility business and such other business prior to the initiation of such other business. These guidelines shall be submitted to the Director of Accounting of the Commission. If the Director of Accounting finds that the cost allocation guidelines provide a subsidy to the non-public utility business, the Director of Accounting will notify the electric utility in writing, and the electric utility will have 45 days to respond.

Section 416.30 Internal Audits

- a) Public utilities shall conduct biennial internal audits, or internal audits conducted by independent public accountants, of the accounting for the business other than public utility business. These audits shall test compliance with this Part, with the cost allocation guidelines submitted to the Director of Accounting of the Commission, with any applicable Commission orders, and with 83 Ill. Adm. Code 415. The audits shall include written reports of conclusions and associated workpapers which shall be available to the Commission Staff for review. The audit reports shall be submitted to the Commission's Director of Accounting within 30 days of completion.
- b) The first such internal audit report shall be submitted to the Director of Accounting of the Commission on or before December 1, 1998. Succeeding audit reports shall be submitted to the Director of Accounting of the Commission on or before December 1 of each succeeding even numbered year.

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NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Accounting for Non-Public Utility Business of Gas Utilities
- 2) Code Citation: 83 Ill. Adm. Code 506
- 3) Section Numbers: Adopted Action:
506.10 New Section
506.20 New Section
506.30 New Section
- 4) Statutory Authority: Implementing Section 7-206 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/7-206 and 10-101].
- 5) Effective Date of Rules: June 1, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these rules contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: May 20, 1998
- 9) Notice of Proposal Published in Illinois Register: January 23, 1998, at 22 Ill. Reg. 2042
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version:

In the text of the rules, change "within 30 days of the effective date of this Part" to "February 12, 1998".

In the text of the rules, change "the effective date of this Part" to "January 13, 1998".

Section 506.10(a): Delete "or not".

Section 506.10(b): After "Allocations of" add "revenues and charges" and delete "a charge". After "business." add "If a gas utility uses a method other than subaccounts to identify revenues and expenses related to certain functions, activities, or projects of the public utility business, it is appropriate for the gas utility to use the same method to identify revenues and expenses related to each non-utility business."

Section 506.20(a): After "allocating" add "revenues and". After "only" add "or unless the public utility previously has submitted such guidelines".

Section 506.20(b): After "allocating" add "revenues and". After "business." add "These guidelines shall be submitted to the Director of

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Accounting of the Commission. If the Director of Accounting finds that the cost allocation guidelines provide a subsidy to the non-public utility business, the Director of Accounting will notify the gas utility in writing, and the gas utility will have 45 days to respond."

Section 506.30(a): Replace "annual" with "biennial". After "audits" add "or internal audits conducted by independent public accountants". Delete "approved by" and replace with "submitted to".

Section 506.30(b): After "succeeding" add "even numbered".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these rules replace emergency rules currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules: It is necessary for accounting procedures to be in place to prevent direct or indirect cross-subsidization between the public utility and the non-public utility business. If expenses which support non-public utility business are included in the public utility business, the public utility customers would suffer irreparable harm and consequences. If expenses associated with the non-public utility business were included as a cost of the public utility business in a Commission proceeding to examine the appropriate level of rates of the public utility, the public utility customers would be responsible for expenses which properly belong to the utility's non-public utility business. Rates would be higher than they would have been had not these non-public utility business expenses been included in the cost of service.

16) Information and questions regarding these adopted rules shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
(217)785-3922

The full text of the Adopted Rules begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER d: GAS UTILITIES

PART 506

ACCOUNTING FOR NON-PUBLIC UTILITY BUSINESS OF GAS UTILITIES

Section	Maintenance of Books and Records and Commission Access
506.10	Cost Allocation Guidelines
506.20	Internal Audits
506.30	

AUTHORITY: Implementing Section 7-206 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/7-206 and 10-101].

SOURCE: Emergency rules adopted at 22 Ill. Reg. 2323, effective January 13, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 2323, effective JUN 01 1998.

Section 506.10 Maintenance of Books and Records and Commission Access

a) Gas utilities shall maintain all accounts, irrespective of whether the activity, transaction, or other matter being accounted for constitutes public utility business, in accordance with 83 Ill. Adm. Code 505, Uniform System of Accounts for Gas Utilities.

b) Activities, transactions and other matters pertaining to business other than public utility business shall be recorded in subaccounts of the accounts established in 83 Ill. Adm. Code 505. Allocations of revenues and charges made between the operations of the public utility business and the business other than public utility business shall be made to the principal utility account and to a subaccount created specifically for the non-public utility business. If a gas utility uses a method other than subaccounts to identify revenues and expenses related to certain functions, activities, or projects of the public utility business, it is appropriate for the gas utility to use the same method to identify revenues and expenses related to each non-utility business.

Section 506.20 Cost Allocation Guidelines

- a) Written guidelines for allocating revenues and charges between the public utility business and the business other than public utility business shall be submitted to the Director of Accounting of the Commission for approval by February 12, 1998 unless the public utility conducts public utility business only or unless the public utility previously has submitted such guidelines.
- b) When a public utility that does not conduct any business other than public utility business as of January 13, 1998 begins to conduct such

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other business after January 13, 1998, the public utility shall submit the guidelines for allocating revenues and charges between the public utility business and such other business prior to the initiation of such other business. These guidelines shall be submitted to the Director of Accounting of the Commission. If the Director of Accounting finds that the cost allocation guidelines provide a subsidy to the non-public utility business, the Director of Accounting will notify the gas utility in writing, and the gas utility will have 45 days to respond.

Section 506.30 Internal Audits

- a) Public utilities shall conduct biennial internal audits, or internal audits conducted by independent public accountants, of the accounting for the business other than public utility business. These audits shall test compliance with this Part, with the cost allocation guidelines submitted to the Director of Accounting of the Commission, with any applicable Commission orders, and with 83 Ill. Adm. Code 505. The audits shall include written reports of conclusions and associated workpapers which shall be available to the Commission Staff for review. The audit reports shall be submitted to the Commission's Director of Accounting within 30 days of completion.
- b) The first such internal audit report shall be submitted to the Director of Accounting of the Commission on or before December 1, 1998. Succeeding audit reports shall be submitted to the Director of Accounting of the Commission on or before December 1 of each succeeding even numbered year.

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Uniform System of Accounts for Gas Utilities
- 2) Code Citation: 83 Ill. Adm. Code 505
- 3) Section Numbers:

505.10	Adopted Action:
505.20	Amendment
505.210	Amendment
505.410	Amendment
505.470	Amendment
505.500	Amendment
505.900	New Section
505.1170	New Section
505.1641	New Section
505.1642	New Section
505.1643	New Section
505.1740	New Section
505.2420	New Section
505.3523	New Section
505.4810	New Section
505.4910	New Section
505.4950	New Section
505.8050	New Section
505.8060	New Section
505.8081	New Section
505.8082	New Section
505.8130	New Section
505.8230	New Section
505.8456	New Section
505.8540	New Section
505.8580	New Section
- 4) Statutory Authority: Implementing Sections 5-102 and 5-103 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/5-102, 5-103, and 10-101].
- 5) Effective Date of Amendments: June 1, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? Yes
- 8) Date Filed in Agency's Principal Office: May 20, 1998
- 9) Notice of Proposal Published in Illinois Register: December 1, 1997, at 21 Ill. Reg. 15072
- 10) Has JCAR issued a Statement of Objections to these amendments? No

ILLINOIS COMMERCE COMMISSION
NOTICE OF ADOPTED AMENDMENT
TITLE 83: PUBLIC UTILITIES
CHAPTER 1: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER d: GAS UTILITIES
PART 505
UNIFORM SYSTEM OF ACCOUNTS FOR GAS UTILITIES
SUBPART A: GENERAL PROVISIONS AND ADOPTION OF
CFR PROVISIONS BY REFERENCE

Section
505.10 Adoption of 18 CFR 201 by Reference
505.20 Adoption of 18 CFR 216 by Reference
SUBPART B: ADDITIONS TO AND DELETIONS FROM CFR PROVISIONS

Section
505.200 Definitions
505.210 General Instruction 1
505.250 General Instruction 5
505.270 General Instruction 7 (Repealed)
505.280 General Instruction 7.1 (Repealed)
505.330 General Instruction 12
505.340 General Instruction 13
505.370 General Instruction 16
505.380 General Instruction 17
505.390 General Instruction 18
505.410 General Instruction 20
505.420 Gas Plant Instruction 2 (Repealed)
505.430 Gas Plant Instruction 3
505.450 Gas Plant Instruction 5 (Repealed)
505.470 Gas Plant Instruction 7
505.500 Gas Plant Instruction 10
505.550 Gas Plant Instruction 15
505.900 Balance Sheet Chart of Accounts
505.940 Income Chart of Accounts
505.970 Operation and Maintenance Expense Chart of Accounts
505.1020 Account 102 (Repealed)
505.1030 Account 103
505.1050 Account 105
505.1051 Account 105.1
505.1080 Account 108 (Repealed)
505.1170 Account 117
505.1641 Account 164.1
505.1642 Account 164.2
505.1643 Account 164.3
505.1660 Account 166
505.1740 Account 174

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- 11) Difference(s) between proposal and final version: Section 505.1170: delete "priced at" in NOTE B-2. In NOTE B-4, add "is" after "concession."
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The purpose in amending Part 505 is to make the Uniform System of Accounts for Gas Utilities available in an electronic format, to make two minor housekeeping changes, and to make additional language deviations from 18 CFR 201 as of February 11, 1997 in order to reject changes that the Federal Energy Regulatory Commission adopted to meet the needs of gas pipeline companies that have made the transformation from sellers to transporters of natural gas.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
(217)785-3922

The full text of the Adopted Amendments begins on the next page:

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Accounts 201, 202, 203, and 204
505.2010
505.2070 Account 207
505.2110 Account 211
505.2140 Account 214
505.2420 Account 242
505.3523 Account 352.3
505.4090 Account 409 (Reserved)
505.4160 Account 416
505.4261 Account 426.1
505.4390 Account 439
505.4810 Account 481
505.4910 Account 491
505.4950 Account 495
505.8050 Account 805
505.8060 Account 806
505.8081 Account 808.1
505.8082 Account 808.2
505.8130 Account 813
505.8230 Account 823
505.8456 Account 845.6
505.8540 Account 854
505.8580 Account 858
505.9140 Accounts 914 and 915
505.9302 Account 930.2

APPENDIX G Operation and Maintenance Expense Accounts

EXHIBIT A Accounts 914 and 915

AUTHORITY: Implementing Sections 5-102 and 5-103 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/5-102, 5-103, and 10-101].

SOURCE: Adopted July 14, 1960, effective January 1, 1962; old rules repealed, new rules adopted and codified at 8 Ill. Reg. 177, effective January 1, 1984; amended at 9 Ill. Reg. 4022, effective April 1, 1985; amended at 9 Ill. Reg. 13083, effective August 15, 1985; amended at 13 Ill. Reg. 10858, effective July 1, 1989; amended at 14 Ill. Reg. 1605, effective January 16, 1990; amended at 18 Ill. Reg. 10701, effective July 1, 1994; amended at 22 Ill. Reg. 9543, effective JUN 01 1998.

SUBPART A: GENERAL PROVISIONS AND ADOPTION OF
CFR PROVISIONS BY REFERENCE

Section 505.10 Adoption of 18 CFR 201 by Reference

The Illinois Commerce Commission adopts 18 CFR 201, as of February 11, 1997 ~~April--17--1999~~, as its uniform system of accounts for gas utilities, subject to the exceptions set forth in Subpart B Section-505-200-et-seq. of this Part. No incorporation in this Part includes any later amendment or edition.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

(Source: Amended at 22 Ill. Reg. 9543, effective JUN 01 1998)

Section 505.20 Adoption of 18 CFR 216 by Reference

The Illinois Commerce Commission adopts 18 CFR 216, as of February 11, 1997, ~~April--17--1999~~ as its prescription of units of property for use in accounting for additions to and retirements of gas plant. No incorporation of 18 CFR 216 in this Part includes any later amendment or edition.

(Source: Amended at 22 Ill. Reg. 9543, effective JUN 01 1998)

SUBPART B: ADDITIONS TO AND DELETIONS FROM CFR PROVISIONS

Section 505.210 General Instruction 1

General Instruction 1, "Classification of Utilities," is deleted and replaced by the following:

"A. This system of accounts applies to all utilities; provided, however, if in the opinion of any utility having annual operating revenues of less than \$10,000,000, this system of accounts should prove to be unduly burdensome, such utility may, with the approval of the Director of Accounting of the Commission, group or combine certain accounts herein in order that the accounting requirements for small utilities may conform more nearly to the nature and volume of business transacted. Requests to group or combine accounts shall be made in writing, including a statement of the proposed modifications. In determining whether this system of accounts is unduly burdensome with respect to a utility, the Director of Accounting shall consider, among other things, whether compliance will require additional resources personnel-or-additional-office-equipment-such-as-electronic data-processing-equipment. The Director of Accounting shall make this determination within six months of receiving the written request. Having obtained such approval, the utility shall continue to use the system as modified on a consistent basis.

B. For purpose of implementation, all gas utilities subject to Illinois Commerce---Commission---jurisdiction---shall---be---regarded---as---"major" utilities---Account---designations---instructions---and---references---to "nonmajor" utilities---will---not---apply.

B.C. The Commission does not commit itself to the approval or acceptance of any item set out in any account, for the purpose of fixing rates or in determining other matters before the Commission."

(Source: ~~JUN 01 1998~~ 22 Ill. Reg. 9543, effective JUN 01 1998)

Section 505.410 General Instruction 20

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In General Instruction 20, "Accounting Account for leases" in Paragraph A, second sentence, the phrase which reads "is effective January 1, 1984" is replaced with "is effective August 15, 1985" deleted. In the third sentence of this paragraph, the phrase "reporting to the FERC," is amended to read "reporting to the Commission."

(Source: Amended 1000 at 22 Ill. Reg. 9543 effective

Section 505.470 Gas Plant Instruction 7

In Gas Plant Instruction 7, "Land and Land Rights," in Paragraph E, the phrase "411.6, Gains from Disposition of Utility Plant, or 411.7, Losses from Disposition of Utility Plant when such property has been recorded in Account 105, Gas Plant Held for Future Use, or in the case of major companies, Account 105.1, Production Properties Held for Future Use, otherwise to account" is deleted.

(Source: Amended 1000 at 22 Ill. Reg. 9543 effective

Section 505.500 Gas Plant Instruction 10

In Gas Plant Instruction 10, "Additions and Retirements of Gas Plant," in Paragraph E, the phrase "411.6, Gains from Disposition of Utility Plant, or 411.7, Losses from Disposition of Utility Plant when the property has been recorded in Account 105, Gas Plant Held for Future Use, or in the case of major companies, Account 105.1, Production Properties Held for Future Use, otherwise to accounts" is deleted.

(Source: Amended 1000 at 22 Ill. Reg. 9543 effective

Section 505.900 Balance Sheet Chart Of Accounts

In the Balance Sheet Chart of Accounts, delete the following accounts: 117.1, Gas stored-base gas; 117.2, System balancing gas; 117.3, Gas stored in reservoirs and pipelines-noncurrent; and 117.4, Gas owed to system gas. To replace the deleted accounts, add Account 117, Gas stored underground - Noncurrent.

(Source: Added 1000 at 22 Ill. Reg. 9543 effective

Section 505.1170 Account 117

In Account 117, Gas stored underground - Noncurrent, the following language replaces the instructions provided in Accounts 117.1, Gas stored-base gas,

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117.2, System balancing gas, 117.3, Gas stored in reservoirs and pipelines-noncurrent, 117.4, Gas owed to system gas, and the special instructions to these accounts.

"A. This Account shall include the cost of recoverable gas purchased or produced by the utility which is stored in depleted or partially depleted gas or oil fields, or other underground reservoirs, and held for use in meeting service requirements of the utility's customers. Gas stored during the year shall be priced at cost according to generally accepted methods of cost determination consistently applied from year to year. Transmission expenses for facilities of the utility used in moving the gas to the storage area and expenses of storage facilities shall not be included in the inventory of gas except as may be authorized or directed by the Commission.

B. NOTE B-1: In general, gas stored from the supply in an integrated system shall be priced at the average cost of the gas constituting the common supply of the system, although this general rule may be departed from where conditions of system operation of gas supply and utilization permit a valid presumption that the gas stored may be considered to be from specified sources, as indicated below.

NOTE B-2: When in harmony with the over-all system operation of gas supply and utilization, and the presumption is consistently observed from year to year, gas stored during the year may be presumed to be from total gas purchases, or from purchases from specified sources. When either of these presumptions is proper, the cost of gas stored shall be the weighted average cost of all gas purchased, or the weighted average cost of purchases from the specified sources, as appropriate. The weighted average cost may be the average for the preceding twelve months, except, where a significant change occurs in the cost of gas, the full effect of such change shall be reflected for the period after the change is effective.

NOTE B-3: When in harmony with the over-all system operation of gas supply and utilization, and the presumptions are consistently observed from year to year, gas stored during the year may be presumed to be from identified sources of the utility's own production. Such stored gas shall be priced at the weighted average cost of gas produced from the specified production areas. Where this presumption is made, or where the stored gas is identified as a matter of fact under circumstances which do not permit a proper application of the theory of displacement, the utility shall maintain separate records of the cost of gas produced from such areas and the derivation of the cost used for stored gas from such sources.

NOTE B-4: Where gas is purchased specifically for storage, or a price concession is received because of the storing of purchased gas, such gas shall be priced at the net contract price of the gas so purchased and stored.

NOTE B-5: The provisions of this instruction and the related footnotes shall not be construed as permitting or authorizing a restatement of the amounts at which stored gas inventories are stated on the

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utility's books at the effective date of this instruction, except as may be authorized by the Commission.

C. Withdrawals of gas may be priced according to the first-in-first-out, last-in-first-out, or weighted average cost method, in connection with which a "base stock" may be employed provided the method adopted by the utility is used consistently from year to year and the inventory records are maintained in accordance therewith. Approval of the Commission must be obtained for any other pricing method, or change in the pricing method adopted by the utility.

D. If the gas of any storage project is withdrawn below the amount established as "base stock" or encroaches upon native gas of a storage reservoir, and such gas is to be replaced within 12 months, it shall be permissible to price such gas at the estimated cost of replacement with purchased gas and to record a deferred credit therefor. For the purpose of this instruction, Account 808, Gas withdrawn from storage - Debit, shall be charged with the estimated cost of such replacement gas and Account 253, Other deferred credits, credited. When replacement of the gas is made, the amount in Account 253 shall be cleared and this account credited. This accounting will not affect normal accounting for inputs and withdrawals from storage.

E. Separate records shall be maintained for each storage project of the Mcf of gas delivered to storage, withdrawn from storage, and remaining in storage. The projects shall be grouped, however, for the purpose of maintaining inventory cost records of the cost of gas in storage. Exceptions to this general rule are permitted in any of the following circumstances:

- (a) Projects at the supply end of long transmission lines,
- (b) Projects located on separate noninterconnected pipeline systems, and
- (c) Projects which by contractual arrangements approved by the Commission are devoted exclusively to the service of specified customers, and no portion of the gas withdrawals from any such project becomes part of the common system gas supply by displacement or otherwise.

Where the utility establishes specified volumes of gas as "base stock," separate inventory cost records by projects shall be maintained therefor.

F. Amounts debited to this Account for gas placed in storage shall be credited to Account 808.2, Gas delivered to storage - Credit. Amounts credited to this account for gas withdrawn from storage shall be debited to Account 808, Gas withdrawn from storage - Debit.

G. Adjustments for inventory losses due to cumulative inaccuracies of gas measurements, or from other causes, shall be charged to Account 823, Gas losses. In the operation of storage projects, the utility shall maintain such procedures of verification as will disclose and result in prompt accounting recognition of significant losses. This account shall be credited with an amount equal to that debited to Account 164.1, Gas stored underground - Current, to classify for balance

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sheet purposes such portion of the total inventory of gas stored underground as constitutes a current asset according to conventional rules for classification of current assets. (See Account 164.1.)

(Source: Added at 22 Ill. Reg. 0543, effective JUN 01 1998)

Section 505.1641 Account 164.1

In Account 164.1, Gas stored underground - Current, the instructions shall be restated as follows:

"This Account shall be debited with such amounts as are credited to Account 117, Gas stored underground - Noncurrent, to reflect classification for balance sheet purposes of such portion of the inventory of gas stored underground as represents a current asset according to conventional rules for classification of current assets."

(Source: Added at 22 Ill. Reg. 0543, effective JUN 01 1998)

Section 505.1642 Account 164.2

In Paragraph D of Account 164.2, Liquefied natural gas stored, the term "Dth" is replaced with "Mcf" to be stated as follows:

"Withdrawals of gas may be priced according to the first-in-first-out, last-in-first-out, or weighted average cost method provided the method adopted by the utility is used consistently from year to year and inventory records are maintained in accordance therewith. Commission approval must be obtained for any other pricing method or for any change in the pricing method adopted by the utility. Separate records shall be maintained for each storage project of the Mcf of gas delivered to storage and remaining in storage."

(Source: Added at 22 Ill. Reg. 0543, effective JUN 01 1998)

Section 505.1643 Account 164.3

In Paragraph D of Account 164.3, Liquefied natural gas held for processing, the term "Dth" is replaced with "Mcf" to be stated as follows:

"Withdrawals of gas held for vaporization may be priced according to the first-in-first-out, last-in-first-out or weighted average cost method provided the method adopted by the utility is used consistently from year to year and inventory records are maintained in accordance therewith. Commission approval must be obtained for any other pricing method or for any change from the pricing method adopted by the utility. Separate records shall be maintained for Mcf of gas purchased for processing, processed, and remaining for processing."

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(Source: Added at 22 Ill. Reg. 9543 = , effective January 1, 1998)

Section 505.1740 Account 174

In Account 174, Miscellaneous current and accrued assets, delete the "A" designating the first paragraph as Paragraph A and delete Paragraph B.

(Source: Added at 22 Ill. Reg. 9543 = , effective January 1, 1998)

Section 505.2420 Account 242

In Account 242, Miscellaneous current and accrued liabilities, delete the "A" designating the first paragraph as Paragraph A and delete Paragraph B.

(Source: Added at 22 Ill. Reg. 9543 = , effective January 1, 1998)

Section 505.3523 Account 352.3

In Account 352.3, Nonrecoverable natural gas, replace Paragraph B with the following language:

"Such nonrecoverable gas shall be priced at the acquisition cost of native gas or, when acquired for storage by purchase or presumed to be supplied from the utility's own production, priced as outlined in Paragraph B of Account 117. Gas stored underground - Noncurrent. After devotion to storage, the cost of the gas shall not be restated to effect subsequent price changes in purchased gas or changes in the cost of gas produced by the utility. When the utility has followed the practice of ad valuing nonrecoverable as to the weighted average cost of gas purchased or supplied from its own production, cost shall be the weighted average cost of such gas at the effective date of this Account."

(Source: Paragraph 1998 at 22 Ill. Reg. 9543 = , effective January 1, 1998)

Section 505.4810 Account 481

In Paragraph C of Account 481, Commercial and industrial sales, the term "Dth" is replaced with "Mcf" to be stated as follows:

"Records shall be maintained so as to show separately the revenues from commercial and industrial customers, as follows: Large commercial and industrial sales (wherein shall be included the revenues from customers which use large volumes of gas, generally in excess of 200,000 Mcf per year or approximately 800 Mcf per day of normal requirements. Reasonable deviations are permissible in order that

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transfers of customers between the large and small classifications may be minimized). Small commercial and industrial sales (wherein shall be included the revenues from customers which use volumes of gas generally less than 200,000 Mcf per year or less than approximately 800 Mcf per day of normal requirements)."

(Source: Paragraph 1998 at 22 Ill. Reg. 9543 = , effective January 1, 1998)

Section 505.4910 Account 491

In Account 491, Revenues from natural gas processed by others, the language in Paragraph B is restated as follows:

"The records supporting this Account must be maintained so that full information concerning determination of the revenues will be readily available concerning each processor of gas of the utility, including as applicable: (a) the Mcf of gas and approximately average Btu content thereof per cubic foot delivered to such other party for processing, (b) the Mcf of gas and approximately average Btu content thereof per cubic foot of gas received back from the processor, (c) the field, general production area, or other source of the gas processed, (d) Mcf of gas used for processing fuel, etc., which is chargeable to the utility, (e) total gallons of each product recovered by the processor and the utility's share thereof, (f) the revenues accruing to the utility, and (g) the basis of determination of the revenues accruing to the utility. Such records shall be maintained even though no revenues are derived from the processor."

(Source: Paragraph 1998 at 22 Ill. Reg. 9543 = , effective January 1, 1998)

Section 505.4950 Account 495

In Account 495, Other gas revenues, delete item 8.

(Source: Added at 22 Ill. Reg. 9543 = , effective January 1, 1998)

Section 505.8050 Account 805

In Account 805, Other gas purchases, delete Paragraphs C and D.

(Source: Added at 22 Ill. Reg. 9543 = , effective January 1, 1998)

Section 505.8060 Account 806

In Account 806, Exchange gas, restate as follows:

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"This Account includes debits or credits for the cost of gas in unbalanced transactions where gas is received from or delivered to another party in exchange transactions and receipt and delivery of such gas is not completed during the accounting period. The costs are to be determined consistent with the accounting method adopted by the utility for its system gas. Contra entries to those in this Account are to be made to Account 174, Miscellaneous current and accrued assets, for gas receivable and to Account 242, Miscellaneous current and accrued liabilities, for gas deliverable under such transactions. Such entries must be reversed and appropriate contra entries made to this Account when gas is received or delivered in satisfaction of the amounts receivable or deliverable."

(Source: Added at 22 Ill. Reg. 9543 =, effective JUN 01 1998)

Section 505.8081 Account 808.1

In Paragraph A of Account 808.1, Gas withdrawn from storage - Debit, restate as follows:

"This Account shall include debits for the cost of gas withdrawn from storage during the year. Contra credits for entries to this Account shall be made to Account 117, Gas stored underground - Noncurrent, or Account 164.2, Liquefied natural gas stored, as appropriate."

(Source: Added at 22 Ill. Reg. 9543 =, effective JUN 01 1998)

Section 505.8082 Account 808.2

In Paragraph A of Account 808.2, Gas delivered to storage - Credit, restate as follows:

"This Account shall include credits for the cost of gas delivered to storage during the year. Contra debits for entries to this Account shall be made to Account 117, Gas stored underground - Noncurrent, or Account 164.2, Liquefied natural gas stored, as appropriate."

(Source: Added at 22 Ill. Reg. 9543 =, effective JUN 01 1998)

Section 505.8130 Account 813

In Account 813, Other gas supply expenses, delete Paragraph B.

(Source: Added at 22 Ill. Reg. 9543 =, effective JUN 01 1998)

Section 505.8230 Account 823

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In Account 823, Gas losses, restate as follows:

"This Account shall include the amounts of inventory adjustments representing the cost of gas lost or unaccounted for in underground storage operations due to cumulative inaccuracies of gas measurements or other causes. (See Paragraph G of Account 117, Gas stored underground - Noncurrent.) If, however, any adjustment is substantial, the utility may, with approval of the Commission, amortize the amount of the adjustment to this Account over future operating periods."

(Source: Added at 22 Ill. Reg. 9543 =, effective JUN 01 1998)

Section 505.8456 Account 845.6

In Paragraph B of Account 845.6, Processing of liquefied or vaporized gas by others, the term "Dth" is replaced with "Mcf or Btu" to be stated as follows:

"Records supporting this Account shall be so maintained that there shall be readily available for each agreement: the name of the other party, Mcf or Btu of gas delivered to the other party for processing and the Mcf or Btu of gas received back by the utility after processing, points of delivery to and receipt of gas from the other party, and amount and basis of charges for the processing service."

(Source: Added at 22 Ill. Reg. 9543 =, effective JUN 01 1998)

Section 505.8540 Account 854

In Paragraph B of Account 854, Gas for compressor station fuel, the term "Dth" is replaced with "Mcf" to be stated as follows:

"Records shall be maintained to show the Mcf of gas consumed at each compressor station and the cost of such gas."

(Source: Added at 22 Ill. Reg. 9543 =, effective JUN 01 1998)

Section 505.8580 Account 858

In Paragraph B of Account 858, Transmission and compression of gas by others, the term "Dth" is replaced with "Mcf" to be stated as follows:

"Records supporting this Account shall be so maintained that there shall be readily available for each agreement: name of other party, Mcf of gas delivered to the other party for transmission or compression and the Mcf of gas received back by the utility after transmission or compression, points of delivery to and receipt of gas from other party, and amount and basis of charges for the transmission or compression service."

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(Source: Added at 22 Ill. Reg. 9543, effective June 1, 1998)

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Fees for Processing Requests for Conviction Information
- 2) Code Citation: 20 Ill. Adm. Code 1570
- 3) Section Numbers: 1570.20
Adopted Action: Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Criminal Justice Information Act [20 ILCS 3930] and the Illinois Uniform Conviction Information Act [20 ILCS 2635].
- 5) Effective Date of Rulemaking: May 26, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: May 22, 1998
- 9) Notice of Proposal Published in Illinois Register: January 2, 1998; 22 Ill. Reg. 21
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version:
a. In line 22, change "December 10" to "September 30."
b. In lines 29 and 39, strike "these rules" and add "this Part".
c. In line 39, delete "sixteen" and the parentheses.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking:
These amendments increase the fee that criminal justice agencies other than the Illinois State Police may charge for assisting in the processing of requests for conviction information made pursuant to the Illinois Uniform Conviction Information Act.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Name: Robert P. Boehmer, General Counsel
Address: Illinois Criminal Justice Information Authority

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

120 S. Riverside Plaza
Chicago, IL 60606-3997

Telephone: (312)793-8550

The full text of the Adopted Amendment begins on the next page:

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
CHAPTER III: ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

PART 1570

FEES FOR PROCESSING REQUESTS
FOR CONVICTION INFORMATION

Section

1570.10 Purpose and Authorization

1570.20 Definitions

1570.30

Form and Manner for Assisting in the Processing of Conviction Information

1570.40 Cost Criteria for the Fee to be Charged

1570.50 Fee Determination

1570.60 Notification of Fee Amount

AUTHORITY: Implementing and authorized by the Illinois Uniform Conviction Information Act [20 ILCS 2635].

SOURCE: Adopted at 18 Ill. Reg. 4679, effective March 14, 1994; emergency amendment at 22 Ill. Reg. 975, effective December 17, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 654, effective MAY 26 1998.

Section 1570.50 Fee Determination

- a) Pursuant to Section 1570.40, the Authority shall establish the maximum fee for each calendar year by September 30 ~~December--10~~ of the preceding year. In establishing this fee amount, the Authority shall consult with representatives of criminal justice agencies, and representatives of municipal, civic, and business groups to:
- 1) establish a reasonable estimate of the actual costs to participating criminal justice agencies throughout the State to comply with this Part these-rules, and
 - 2) determine if there would be an unreasonable negative impact or undue burden placed on requesters of conviction information.
- b) Pursuant to the Act, nothing herein shall be deemed to prevent a criminal justice agency from waiving or reducing the fee established pursuant to Section 1570.40.
- c) For the calendar year 1998 1997 and each year thereafter, the maximum fee established by the Authority that a criminal justice agency other than the Department of State Police may charge and assess under this Part these-rules shall be \$16 ten-dollars-(\$16).

(Source: MAY 26 1998 22 Ill. Reg. 9557, effective

BOARD OF TRUSTEES OF EASTERN ILLINOIS UNIVERSITY

NOTICE OF ADOPTED RULES

1) Heading of the Part: Organization and Public Information

2) Code Citation: 2 Ill. Adm. Code 6000

3) Section Numbers: Adopted Action:
 6000.100 New Section
 6000.110 New Section
 6000.120 New Section
 6000.130 New Section
 6000.140 New Section
 6000.150 New Section
 6000.200 New Section
 6000.210 New Section
 6000.220 New Section
 6000.230 New Section
 6000.240 New Section
 6000.250 New Section
 6000.260 New Section
 6000.300 New Section
 6000.400 New Section

4) Statutory Authority: The Freedom of Information Act [5 ILCS 140/4], the Illinois Administrative Procedure Act [5 ILCS 100/5-15], and Eastern Illinois University Law [110 ILCS 665/10-25].

5) Effective Date of Rules: May 22, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Do these rules contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: May 22, 1998

9) Date Notice of Proposal Published in Illinois Register: This is an internal rule, and therefore, has not been proposed.

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: No

12) Have all the changes been agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No

13) Will these rules replace Emergency rules currently in effect? No

14) Are there any Rules pending on this Part? No

15) Summary and Purpose of Rules: These rules are intended to explain what the

BOARD OF TRUSTEES OF EASTERN ILLINOIS UNIVERSITY

NOTICE OF ADOPTED RULES

Board of Trustees of Eastern Illinois University is, how the Board is organized, and how the public can obtain information from the Board.

16) Information and questions regarding these rules shall be directed to:

Office of University Counsel
 Eastern Illinois University
 600 Lincoln Avenue
 109 Blair Hall
 Charleston IL 61920

The full text of the Adopted Rules begins on the next page.

BOARD OF TRUSTEES OF EASTERN ILLINOIS UNIVERSITY

NOTICE OF ADOPTED RULES

TITLE 2: GOVERNMENTAL ORGANIZATION

SUBTITLE F: EDUCATIONAL AGENCIES

CHAPTER XX: BOARD OF TRUSTEES OF EASTERN ILLINOIS UNIVERSITY

PART 6000

ORGANIZATION AND PUBLIC INFORMATION

SUBPART A: INTRODUCTION AND ORGANIZATION

Section

6000.100 Purpose
 6000.110 Board Membership
 6000.120 Board Meetings
 6000.130 Agenda of Board Meetings
 6000.140 Minutes of Board Meetings
 6000.150 Accessibility of Board Meetings

SUBPART B: PUBLIC INFORMATION

Section

6000.200 Freedom of Information Officer
 6000.210 Form and Content Requests
 6000.220 Inspection and Copying of Records
 6000.230 Fees
 6000.240 Denial of Requests
 6000.250 Response Time
 6000.260 Appeals

SUBPART C: RULEMAKING

Section

6000.300 Rulemaking

SUBPART D: PURCHASING RULES

Section

6000.400 Access to Purchasing Rules
 APPENDIX A Organizational Chart

AUTHORITY: Implementing the Freedom of Information Act [5 ILCS 140/4] and the Illinois Administrative Procedure Act [5 ILCS 100/ 5-15] and authorized by the Freedom of Information Act [5 ILCS 140/3g] and by the Eastern Illinois University Law [110 ILCS 665/10-25].

SOURCE: Adopted at 22 Ill. Reg. 9580, effective May 22, 1998.

SUBPART A: INTRODUCTION AND ORGANIZATION

BOARD OF TRUSTEES OF EASTERN ILLINOIS UNIVERSITY

NOTICE OF ADOPTED RULES

Section 6000.100 Purpose

As required by the Illinois Administrative Procedure Act ("IAPA") [5 ILCS 100/5-15] and the Freedom of Information Act ("FOIA") [5 ILCS 140/4], this Section pertains to the administrative rules which apply to the Board of Trustees of Eastern Illinois University ("Board"). These rules are intended to explain what the Board is, how the Board is organized, and how the public can obtain information from the Board.

Section 6000.110 Board Membership

- a) The Board is the designated policy-making agency for Eastern Illinois University. The Board's purpose is to operate, manage, control, and maintain Eastern Illinois University. The Board's powers and duties are determined in accordance with the Eastern Illinois University Law [110 ILCS 665/10-25] and are set forth in its Board Regulations, which are available in the University's library, and on the University's web page.
- b) The Board is composed of seven voting members appointed by the Governor with the advice and consent of the Senate, and one non-voting student member, who is elected by the Student Body.
- c) The Board elects one member to serve as Chairperson. The Chairperson presides at all Board Meetings, with the full power to vote on and discuss all matters placed before the Board. The Chairperson is also responsible for submitting information and recommendations relative to the business and interests of the University.
- d) The Board is the final institutional authority; however, it delegates primary responsibility to the President of the University for the management of the institution.

Section 6000.120 Board Meetings

- a) The Board makes all of its policy decisions at open meetings of the Board which are held in accordance with the Open Meetings Act [5 ILCS 120]. The Board may also hold closed meetings pursuant to the Open Meetings Act [5 ILCS 120/2(a)].
- b) Meetings are held and a quorum determined in accordance with the Eastern Illinois University Law [110 ILCS 665/10-25].
- c) Meetings are held at least once each quarter. The Board however, by vote of a majority of a quorum, may omit or cancel any meeting. The date of any meeting may be changed by vote of a majority of a quorum or by order of the Chairperson. The regular meeting that is held in April is the annual meeting.
- d) The Board may hold special meetings by vote of a majority of a quorum taken during any regular meeting, by call of the Chairperson, or by call of any three voting members. Notice of a special meeting must be mailed to all members at least five days prior to the date of the special meeting,

BOARD OF TRUSTEES OF EASTERN ILLINOIS UNIVERSITY

NOTICE OF ADOPTED RULES

- e) All meetings of the Board are held on the campus of Eastern Illinois University and are conducted in accordance with the Open Meetings Act [5 ILCS 120].

Section 6000.130 Agenda of Board Meetings

- a) The Board maintains an agenda of its meetings in accordance with the Open Meetings Act [5 ILCS 120/2.02].
- b) The President of the University, in consultation with the Chairperson of the Board, develops an agenda prior to each Board meeting. The President will normally mail meeting materials to Board Members as well as to other appropriate parties at least seven days prior to the next scheduled meeting. Distribution of some meeting materials, however, may be subject to reasonable limitations in the case of special or emergency meetings.

Section 6000.140 Minutes of Board Meetings

The Board keeps minutes of all its meetings in accordance with the Open Meetings Act [5 ILCS 120/2.06]. Minutes of meetings are subject to the Open Meetings Act and are available at the University's library.

Section 6000.150 Accessibility of Board Meetings

- a) Individuals wishing to address the Board must submit a written request to the President at least ten calendar days prior to the Board meeting. The request must include the name and address of the person who would be speaking, the name of the group represented, and a summary of the presentation.
- b) The President and the Chairperson will consult with respect to each request to address the Board. At least three calendar days before the meeting, the President will indicate to each individual whether the request will be granted or denied. If the request is granted, the presentation will be subject to rulings designated by the Chairperson. Due to many demands placed on the Board, outside presentations normally are not possible. Parties wishing to address the Board, whose written requests are denied, may offer a written statement to the Board, if they so desire.
- d) In accordance with the Open Meetings Act [5 ILCS 120/2.05], any person may record by tape, film, or other means, the meetings of the Board or its committees. However, if the recording process interferes with the functions of the meeting, it will be discontinued at the request of the Chairperson or other presiding officer.
- e) A report of the proceedings of the Board is published for each fiscal year in sufficient number for distribution to interested parties.

SUBPART B: PUBLIC INFORMATION

BOARD OF TRUSTEES OF EASTERN ILLINOIS UNIVERSITY

NOTICE OF ADOPTED RULES

Section 6000.200 Freedom of Information Officer

There is one Freedom of Information Officer at Eastern Illinois University. Requests for access to public records concerning Eastern Illinois University must be addressed as follows:

Freedom of Information Act Request
 Eastern Illinois University
 600 Lincoln Avenue
 Charleston IL 61920

Section 6000.210 Form and Content Requests

- a) All requests under the Freedom of Information Act [5 ILCS 140/3] for access to public records must be in writing and must contain the following information:
- 1) the name and address of the person submitting the request;
 - 2) a specific description of the public records sought including, whenever possible, names, dates, and other identifying information.
- b) A request shall be "received" for purposes of the Freedom of Information Act [5 ILCS 140/3] on the date on which it arrives in the office referred to above. Failure to submit the request to the appropriate address may delay its receipt.

Section 6000.220 Inspection and Copying of Records

- a) Inspection of public records which are required by the Freedom of Information Act to be made available for public inspection must occur under the supervision of the Freedom of Information Officer in the place where the records are kept or the office of the Freedom of Information Officer during regular office hours when the records are not being used by persons performing official duties. Upon request, the Freedom of Information Officer will make arrangements for an explanation of computer language or printout format.
- b) One copy of each public record required to be copied by the Freedom of Information Act [5 ILCS 140/3b] shall be provided by the Freedom of Information Officer, if requested, following receipt of the fees specified in Section 6000.230 of this Part.

Section 6000.230 Fees

- a) The fee for copies of public records on letter or legal size paper shall not exceed \$.25 per page. For copies which cannot be made on available standard office copying equipment, a reasonable fee will be charged by the Freedom of Information Officer to cover the actual cost of producing the copies by other means. For preparation in printed form of computer stored data, a reasonable fee will be charged by the

BOARD OF TRUSTEES OF EASTERN ILLINOIS UNIVERSITY

NOTICE OF ADOPTED RULES

Freedom of Information Officer to cover the actual cost of programming, computer usage, and printing. The fee for certification shall not exceed \$1.00 per document or set of documents. The fee for mailing copies will be the actual postage.

- b) Fees shall be reduced or waived if the person requesting copies of documents states the specific purpose for the request and demonstrates to the satisfaction of the Freedom of Information Officer that the principal purpose of the request is to access and disseminate information regarding the health, safety, and welfare or legal rights of the general public and not to provide personal or commercial benefit. In setting the amount of the waiver or reduction, the Freedom of Information Officer may take into consideration the amount of materials requested and the cost of copying them.

Section 6000.240 Denial of Requests

A denial of a request for access to public records is made by the Freedom of Information Officer by letter mailed to the person submitting the request. The letter shall state the reasons for the denial and the names and the titles of each person responsible for the denial, and shall give notice of the right to appeal the denial. Failure of the Freedom of Information Officer to respond to a request for access to public records within seven working days after its receipt shall be considered a denial of the request.

Section 6000.250 Response Time

The Freedom of Information Officer shall respond to each request for access to public records within seven working days after its receipt, unless the response time is extended for an additional period of not more than seven working days [5 ILCS 140/3]. The response shall be by letter mailed to the person making the request and shall approve the request in its entirety, approve the request in part and deny it in part, or deny the request in its entirety.

Section 6000.260 Appeals

- a) Persons whose request for access to public records has been denied in whole or in part may appeal to the President of Eastern Illinois University.
- b) Appeals shall be in writing and should be accompanied by a copy of the request for access to public records, a copy of the denial (if a written denial was provided), and a statement of the reasons the appeal should be granted. Appeals shall be decided within seven working days after receipt, and a notice of the decision shall be mailed to the person submitting the appeal. Failure to respond to an appeal within this time limit shall be considered a denial of the appeal.

SUBPART C: RULEMAKING

BOARD OF TRUSTEES OF EASTERN ILLINOIS UNIVERSITY

NOTICE OF ADOPTED RULES

Section 6000.300 Rulemaking

Rules are adopted in accordance with the Illinois Administrative Procedure Act [5 ILCS 100/5-15] after being recommended by the President of Eastern Illinois University and approved by the Board of Trustees of Eastern Illinois University.

SUBPART D: PURCHASING RULES

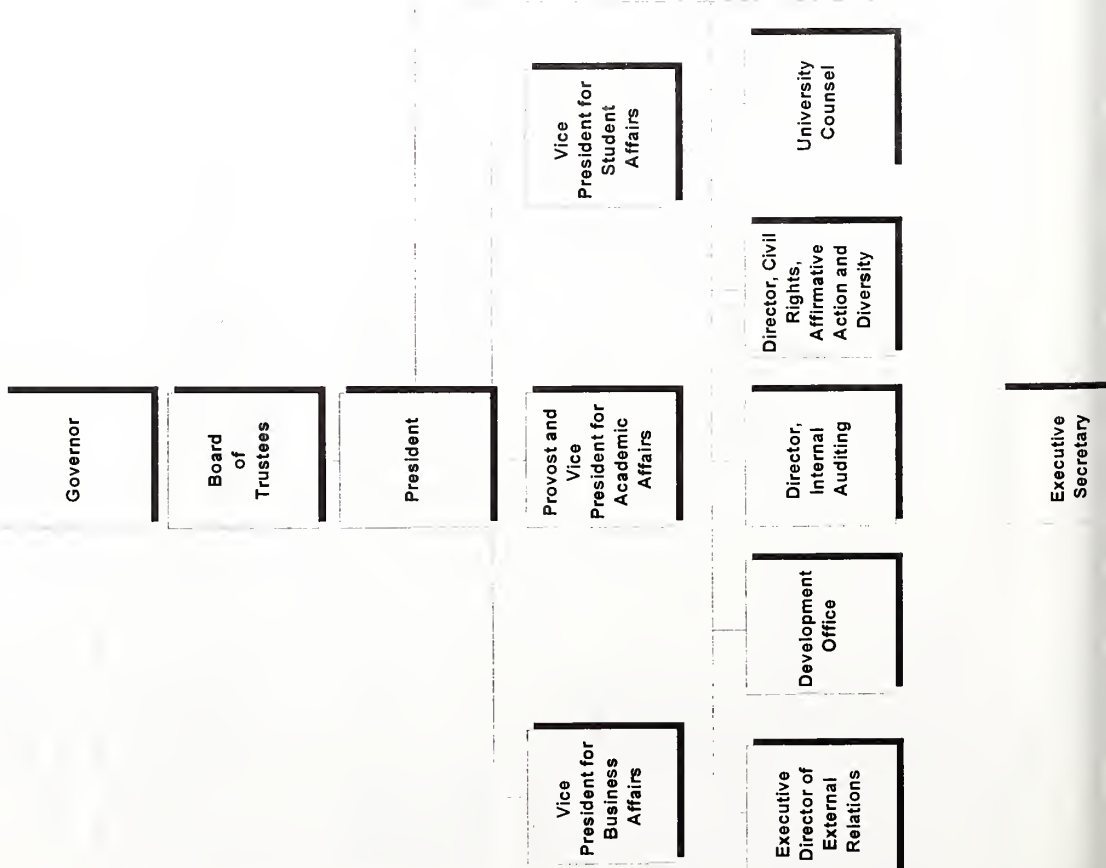
Section 6000.400 Access to Purchasing Rules

The Purchasing Rules for Eastern Illinois University are adopted at 44 Ill. Adm. Code 525.10, Joint Rules of the Illinois Public Universities: Procurement and Bidding, in accordance with the Illinois Purchasing Act [30 ILCS 525].

BOARD OF TRUSTEES OF EASTERN ILLINOIS UNIVERSITY

NOTICE OF ADOPTED RULES

Section 6000.APPENDIX A Organizational Chart



DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Volunteered Location(s) Procedures for Selecting a Site for the Development of a Low-Level Radioactive Waste Disposal Facility
- 2) Code Citation: 32 Ill. Adm. Code 610
- 3) Section Number: Adopted Action:
610.10 Repeal
610.20 Repeal
610.30 Repeal
610.40 Repeal
- 4) Statutory Authority: Implementing and authorized by Section 10.2 of the Illinois Low-Level Radioactive Waste Management Act. [420 ILCS 20/10.2]
- 5) Effective Date of Repealer: May 20, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: May 15, 1998
- 9) Notice of Proposal Published in the Illinois Register: January 16, 1998 (22 Ill. Reg. 1712)
- 10) Has JCAR issued a Statement of Objections to this Repealer? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? The Joint Committee on Administrative Rules did not issue an agreement letter for this Part.
- 13) Will this repealer replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: The Department is repealing this Part in response to Public Act 90-29. The Part establishes the policies and procedures to be followed by the Department when accepting a landowner's or local government's proposal to volunteer land for consideration as a low-level radioactive waste disposal site. Because the time for volunteering land for a site ended in June 1997 under the provisions of P.A. 90-29, the Department determined that this Part was obsolete.
- 16) Information and questions regarding this repealer shall be directed to:

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED REPEALER

Thomas J. Carlisle
Senior Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 785-9884 (voice)
(217) 782-6133 (TDD)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Regulations under the Business Opportunity Sales Law of 1995.
- 2) Code Citation: 14 Ill. Adm. Code 135
- 3) Section Numbers: Adopted Action:
135.50 Amend
135.100 Amend
135.352 Amend
135.500 Amend
135.801 Repeal
135.2130 Amend
- 4) Statutory Authority: 815 ILCS 602
- 5) Effective Date of Amendments: May 20, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporation by reference? No
- 8) Date Filed in Agency's Principal Office: May 20, 1998
- 9) Notice of Proposal Published in Illinois Register: February 6, 1998 22 Ill. Reg. 2763
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule(s) currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments:
Section 135.050 - Amends the definition of initial payment to clarify a term that is included in the Business Opportunity Sales Law.
Section 135.100 - Amends the Section to clarify orders granting exemptions are effective for 12 months.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Section 135.352 - Amends the Section to indicate that updating disclosure information is also required for renewal applications.

Section 135.500 - Amends the Section to provide bonds may be posted in lieu of minimum net worth requirements, when certain representations are made. Changes a violation of the Act to a per se violation when a misrepresentation of a guarantee is made.

Section 135.801 - Repeals scope of the law because the Business Opportunity Sales Law contains a jurisdiction statement.

Section 135.2130 - Amends the Section to provide that the date of the filing of a document is the date of delivery and payment of any fees due the Department.

16) Information and questions regarding these adopted amendments shall be directed to:

Dirk May
Illinois Securities Department
Lincoln Tower, Suite 200
520 South Second Street
Springfield, IL 62701
(217) 782-2256

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATE

PART 135

REGULATIONS UNDER THE BUSINESS OPPORTUNITY SALES LAW OF 1995

SUBPART A: DEFINITIONS

Section
135.50 Definitions of Terms as Used in the Act and the Rules

SUBPART B: EXEMPTIONS

Section
135.100 Exemption by Order

SUBPART C: REGISTRATION OF BUSINESS OPPORTUNITIES

Section
135.300 Complete Filing
135.301 Procedures for Withdrawal of Pending Application or Termination of Registration of a Business Opportunity
135.302 Procedure with Respect to Abandoning Incomplete Applications for Registration of a Business Opportunity
135.303 Procedures for Renewal of Registration of a Business Opportunity Under Section 5-30(e) of the Act
135.350 Disclosure Document
135.351 Additional Required Disclosure from Seller-Guarantors
135.352 Required Amendments to Disclosure Filing
135.353 Material Change
135.356 Additional Fees
135.500 Minimum Net Worth or Surety Bond Requirement
135.501 Report of Sale Requirements

SUBPART D: PROCEDURES FOR ADMINISTRATIVE HEARINGS

Section
135.700 Hearings

SUBPART E: SERVICE OF PROCESS

Section
135.800 Service of Process upon the Secretary of State
135.801 Scope of the Law (Repealed)

SUBPART F: VIOLATIONS

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Section
135.950 Fraudulent Practices

SUBPART G: EVIDENTIARY MATTERS AND NON-BINDING STATEMENTS

Section
135.1300 Request for Non-Binding Statements

SUBPART H: PUBLIC INFORMATION

Section
135.1400 Inspection of Business Opportunity Records
135.1401 Non-Public Distribution of Information

SUBPART I: RULES OF GENERAL APPLICATION

Section
135.2100 Business Hours of the Securities Department
135.2101 Computation of Time
135.2110 Payment of Fees
135.2120 Place of Filing
135.2130 Date of Filing
135.2140 Requirements as to Proper Form
135.2141 Additional Information
135.2143 Information Unknown or Not Reasonably Available
135.2144 Requirements as to Paper, Printing and Language
135.2145 Number of Copies--Signatures
135.2190 Provisions For Granting of Variance from Rules

AUTHORITY: Implementing and authorized by the Business Opportunity Sales Law of 1995 [815 ILCS 602].

SOURCE: Adopted by emergency rulemaking at 20 Ill. Reg. 584, effective January 1, 1996, for a maximum of 150 days; adopted at 20 Ill. Reg. 2463, effective May 30, 1996; amended at 22 Ill. Reg. 2511, effective MAY 20 1998.

SUBPART A: DEFINITIONS

Section 135.50 Definitions of Terms as Used in the Act and the Rules

a) As used in this Part, unless the context otherwise requires, the term:

"Act" means the Business Opportunity Sales Law of 1995 [815 ILCS 602] and this Part.

"Advertising" means any circular, prospectus, advertisement, or other material or any communication by radio, television,

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

pictures or the transmittal or sending of any communication via the non-proprietary, nonprofit, public computer network (commonly known as the "Internet") or similar means used in connection with an offer or sale of any business opportunity.

"Affiliate" of, or a person "affiliated" with, a specified person means a person who, directly or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

"Applicant" means the person making application for registration.

"Consideration" as set forth in Section 5-35(a) of the Act includes, without limitation, fully refundable deposits and postdated checks.

"Date of filing" means the date that all of the required documents are received by the Securities Department and all the required fees are paid to the Secretary of State. A document shall not be deemed to be filed if any material information required by the Act or this Part is omitted or the document is illegible.

"Director" means any director of a corporation or any person performing similar functions with respect to any organization whether incorporated or unincorporated.

"Employee" does not include a director, trustee or officer.

"Federal Banking Act of 1933" means the Federal Banking Act of 1933 (12 U.S.C. 227), and the Rules and Regulations thereunder as in effect on January 1, 1996.

"Hearing" means a proceeding conducted by the Securities Department in which the rights, privileges, immunities, duties or obligations of any person or party are required by law to be determined by the Secretary of State only after opportunity for a hearing.

"Initial payment" as set forth in Section 5-10(b) of the Act:

shall include any form of a payment which evidences a financial obligation on the part of the purchaser, including, without limitation, a lump sum payment or a note evidencing installment debt;

shall include any form of payment or payments required to start the business opportunity; that are made during a

SECRETARY OF STATE

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period from any time before and within six months after commencing operation of the purchaser's business opportunity ~~be the payment, in whatever form, that is made at the time of purchase,~~ inclusive of payment for, without limitation, services, supplies, sales material, samples and inventory (inclusive of shipping and handling costs); and

does not include any cash payment by any purchaser not exceeding \$500 if the payment is made for the not-for-profit sale of demonstration equipment, material or samples, or the payment is made for product inventory sold to the purchaser at a bona fide wholesale price.

"Material", when used to qualify a requirement for the furnishing of information as to any subject, limits the information required to those matters as to which there is a substantial likelihood that a reasonable person would consider important.

"Officer" means the president; any vice president in charge of a principal business unit, division or function; the secretary; the treasurer; any principal financial officer, comptroller or principal accounting officer; any other officer performing a principal policy-making function and any other person performing similar functions with respect to any organization whether incorporated or unincorporated.

"Principal" means any officer, director, partner, member, trustee or manager who is responsible for the supervision and management of the daily business operations in this State of a business opportunity required to be registered under the Act.

"Purchaser" means a person who enters into a contract or agreement for the acquisition of a business opportunity or a person to whom an offer to sell a business opportunity is directed.

"Rules" refers to all rules adopted by the Secretary of State pursuant to the Act.

"Secretary of State" means the Securities Department of the Office of the Secretary of State or the Securities Director or his or her designee, as the case may be.

"Section" refers to a Section of this Part unless a reference to the Act is specifically made.

- b) A Section in this Part which defines a term without express reference to the Act or to this Part or to a portion thereof or hereof defines

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

such term for all purposes as used both in the Act and in this Part. Terms defined in the Act and not defined in this Part have the meanings given them in the Act.

(Source: ~~Amended~~ MAY 20 1998 22 Ill. Reg. 3571, effective

SUBPART B: EXEMPTIONS

Section 135.100 Exemption by Order

- a) Pursuant to Section 5-10(h) of the Act, the Secretary of State may by Order exempt the sale of business opportunities from the requirements of the Act. The Secretary of State will consider whether to issue such an Order upon receipt of the following submissions:
- 1) a cover letter describing the basis for the exemption by referencing to this Section and to Section 5-10(h) of the Act;
 - 2) a description and business history of the applicant, the amount and form of payment and any additional fees, costs or charges relating to the business opportunity for which an exemption is being sought;
 - 3) a description of the applicant's litigation history as stated in Section 5-35(b)(6)(A) and (7) of the Act;
 - 4) a description of any bankruptcy petition filed by or against the applicant, its officers, directors or predecessors within the last ten years;
 - 5) a copy of the contract or agreement of sale relating to the business opportunity which is sought to be subject to the order of exemption;
 - 6) copies of any promotional materials relating to the business opportunity for which an exemption is being sought;
 - 7) a list of all sales and advertisements in Illinois for the past five years;
 - 8) a list of administrative agencies which have issued or denied exemptions, along with copies of the exemptions and any opinions relating thereto;
 - 9) a statement of the number of units sold, in the prior twelve month period, as business opportunities by the applicant in the United States and in Illinois;
 - 10) a statement of the number of business opportunities the applicant intends to offer for sale in Illinois in the following 12 month period;
 - 11) a copy of any prospectus or other offering circular used by the applicant in the offer or sale of the subject business opportunity; and
 - 12) a certification of facts.
- b) Exemption requests will be granted only when in the public interest. An exemption will be considered in the public interest under the

SECRETARY OF STATE

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following circumstances:

- 1) the applicant intends to sell no more than two business opportunities in Illinois in the ensuing twelve months;
 - 2) the litigation and bankruptcy history described in subsections (a)(3) and (4) of this Section is not materially adverse to the interest of the prospective business opportunity purchasers; and
 - 3) the applicant agrees to provide the business opportunity purchasers with disclosure as required by Section 5-35(b) of the Act or Section 135.350 of this Part; and-
- c) Orders granting an exemption pursuant to this Section shall remain in effect for 12 months.

(Source: Amended at 22 Ill. Reg. 9571, effective MAY 20 1998)

SUBPART C: REGISTRATION OF BUSINESS OPPORTUNITIES

Section 135.352 Required Amendments to Disclosure Filing

In addition to filing the most current disclosure document at the time of application for registration or renewal pursuant to Section 5-30 of the Act, or for an exemption by order pursuant to Section 135.100 of this Part, sellers shall be required to amend the filing with the following information:

- a) the most recent annual report of financial condition shall be due no later than the first day of the fourth month following the date of the audited financials; and
- b) material changes or amendments to the information provided in the disclosure document shall be reported to the Secretary of State no later than ten business days after the seller should reasonably have known of the occurrence of such change or amendment.

(Source: Amended at 22 Ill. Reg. 9571, effective MAY 20 1998)

Section 135.500 Minimum Net Worth or Surety Bond Requirement

- a) The minimum net worth of the seller shall at all times be at least equal to the seller's liabilities plus the aggregate of any contingent obligations represented by outstanding guarantees to purchasers of business opportunities but not less than \$25,000.

a)b) In lieu of the minimum net worth requirement set forth in Section 5-50 of the Act, the seller may post a surety bond issued by a surety company authorized to do business in this State. The surety bond shall:

- 1) be in an amount equivalent to the aggregate of the amount of outstanding guarantees on sales made in this State within the meaning of Section 5-80 of the Act;

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 2) shall remain in effect for the duration of the guarantee(s) or representation(s) giving rise to the surety bond requirement; and
 - 3) shall be in favor of this State for the benefit of purchasers.
- b)e) Any sale made in this State within the meaning of Section 5-80 of the Act which makes use of representations of guarantee pursuant to Section 5-5.10(a)(4) of the Act when the seller knows or reasonably should know that the guarantee is not covered or is insufficiently covered in the aggregate with other guarantees of the seller, is a per se violation of Section 5-95(3) of the Act.

(Source: Amended at 22 Ill. Reg. 9571, effective MAY 20 1998)

SUBPART E: SERVICE OF PROCESS

Section 135.801 Scope of the Law (Repealed)

The registration and disclosure requirements under the Act or this Part shall apply only to the offer or sale of a business opportunity in this State to a purchaser who is domiciled in this State or where the offer of the business opportunity is made or accepted in this State and the business opportunity is or will be located in this State.

(Source: Repealed at 22 Ill. Reg. 9571, effective MAY 20 1998)

SUBPART I: RULES OF GENERAL APPLICATION

Section 135.2130 Date of Filing

- a) The date of filing of any document required to be filed with the Securities Department shall be the date of delivery of the document and any required fee to the Securities Department in Springfield or Chicago, Illinois, as specified in Section 135.2120 of this Part or if a document or fee is sent by United States registered mail, certified mail or certificate of mailing, a record authenticated by the United States Postal Service of such registration, certification or certificate shall be considered competent evidence that the document or fee was mailed on the date shown on the record.

- b) A document may not be deemed to be filed with the Secretary of State unless all requirements of the Act and this Part with respect to such filing have been complied with and the required fee has been paid.

(Source: Amended at 22 Ill. Reg. 9571, effective MAY 20 1998)

STATE BOARD OF EDUCATION
NOTICE OF EMERGENCY RULES

inclusion of civil liability and criminal-related coverage, including coverage for assault-related personal property damage;

establishment of limits of coverage, as outlined in Section 2-3.124 of the School Code;

recognition of coverage provided pursuant to Section 2-3.124 as supplemental; and

notification by the State Board of Education to all educational boards of the availability of the coverage, with boards, in turn, notifying their certificated employees.

10) Are there any proposed amendments to this Part pending? No

11) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.

12) Information and questions regarding this amendment shall be directed to:

Name: Roger David
Legal Advisor
Address: Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001
Telephone: (217) 782-5270

The full text of the emergency amendments begins on the next page:

STATE BOARD OF EDUCATION
NOTICE OF EMERGENCY RULES

1) Heading of the Part: Insurance for Certificated Employees

2) Code Citation: 23 Ill. Adm. Code 56

3) Section Numbers: Emergency Action:

- Section 56.10 New Section
- Section 56.20 New Section
- Section 56.30 New Section
- Section 56.40 New Section
- Section 56.50 New Section
- Section 56.60 New Section
- Section 56.70 New Section
- Section 56.80 New Section
- Section 56.90 New Section
- Section 56.100 New Section
- Section 56.110 New Section
- Section 56.120 New Section

4) Statutory Authority: 105 ILCS 5/2-3.124

5) Effective Date of Amendments: May 22, 1998

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable.

7) Date Filed in Agency's Principal Office: May 22, 1998

8) Reason for Emergency: Enactment of P.A. 90-548 on December 4, 1997, has established a new role for the State Board of Education with regard to the provision of liability insurance. Beginning in the 1998-99 school year, the State Board of Education is to provide or arrange to have provided the coverage specified in Section 2-3.124 at no cost to certificated employees employed by an educational board. The agency has determined that the public interest will be served best if the State Board enters into a contract with an insurance carrier to provide the required coverage. A Request for Proposals (RFP) to solicit bids from carriers needs to be issued as soon as possible, so that a carrier will be ready to begin offering coverage to certificated employees before the beginning of the school year. Therefore, these rules are being promulgated as emergency rules.

9) A Complete Description of the Subjects and Issues Involved: The rules, drafted with input from the risk management staff of the Department of Central Management Services, provide for:

coverage to be provided through a contractor identified through a Request for Proposals process;

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 56

INSURANCE FOR CERTIFICATED EMPLOYEES

Section	Definitions for This Part
56.10 EMERGENCY	
56.20 EMERGENCY	Coverage Subject to Appropriation
56.30 EMERGENCY	Section 2-3.124 Carrier
56.40 EMERGENCY	Extent of Coverage Generally
56.50 EMERGENCY	Civil Liability Insurance Coverage
56.60 EMERGENCY	Criminal-Related Insurance Coverage
56.70 EMERGENCY	Limits of Coverage and Recourse
56.80 EMERGENCY	Information about Insurance Coverage
56.90 EMERGENCY	Effective Date of Coverage
56.100 EMERGENCY	Relationship to Insurance Law and Regulation
56.110 EMERGENCY	Relationship to Policy Language
56.120 EMERGENCY	Construction and Severability of Rules

AUTHORITY: Implementing and authorized by Section 2-3.124 of the School Code [105 ILCS 5/2-3.124].

SOURCE: Emergency rules adopted at 22 Ill. Reg. 9580, effective May 22, 1998, for a maximum of 150 days.

Section 56.10 Definitions for This Part
EMERGENCY

"Assault-related personal property damage" means damage to or destruction of the certificated employee's personal property, or other people's personal property when being used by the certificated employee, or in the certificated employee's care, custody or control,

STATE BOARD OF EDUCATION

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which is caused by an assault upon the certificated employee on or surrounding school property or while away from school property on an authorized school activity to the extent that such damages exceed the coverage provided by any coverage other than the assault-related coverage under Section 2-3.124 of the School Code [105 ILCS 5/2-3.124]. "Assault" as used in the phrase "assault-related property damage" means a physical attack on the certificated employee or an assault and/or battery upon the certificated employee as defined by relevant criminal law.

"Certificated employee" does not refer to any person who is, or functions as, a bona-fide independent contractor but refers to any person:

who receives a salary or wages in exchange for performing educational employment activities on behalf of a school board, board of trustees, joint agreement program board that oversees an educational program, cooperative program board that oversees an educational program, or similar governing body of a public elementary or secondary education unit (Section 2-3.124 of the School Code);

whose position of employment requires, by law and not merely by the employer, a certificate issued pursuant to Article 21 of the School Code [105 ILCS 5/Art. 21]; and

whose position of employment requiring certification is within Illinois.

"Civil liability insurance coverage" refers to coverage that:

is provided through an insurance carrier under contract with the Illinois State Board of Education;

is made available pursuant to Section 2-3.124 of the School Code; provides, at the applicable limits stated in this Part, the following insurance protection for certificated employees:

civil liability for specified claims other than claims related to civil rights issues; and

civil liability claims related to civil rights issues; and

is further defined, specified and limited in this Part.

"Criminal-related insurance coverage" refers to coverage that:

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY RULES

is provided through an insurance carrier under contract with the Illinois State Board of Education;

is made available pursuant to Section 2-3.124 of the School Code; provides, at the applicable limits stated in this Part, the following insurance protection for certificated employees:

reimbursement of attorneys' fees for defense of a criminal proceeding;

bail bond; and

assault-related personal property damage; and

is further defined, specified and limited in this Part.

"Educational board" refers to a school board, board of trustees, joint agreement program board that oversees an educational program, cooperative program board that oversees an educational program, or similar governing body of a public elementary or secondary education unit (Section 2-3.124 of the School Code). To be within the definition of an educational board, the entity must be located within Illinois and employ one or more persons in positions that require a certificate issued pursuant to Article 21 of the School Code. The term "educational board" does not include the Illinois State Board of Education.

"Insurance carrier" or "carrier" refers to a non-governmental entity that may legally provide in Illinois any or all categories of insurance coverage specified in Section 2-3.124 of the School Code.

"Primary insurer" has the meaning commonly associated with this term within the insurance industry.

"School year" refers to that period beginning in or around late August when schools with grades between kindergarten and 12 are in regular session, with students attending. "End of the school year," unless otherwise indicated in this Part, refers to the last day of the school year, in or around late May, when school lets out.

"Section 2-3.124 carrier" refers to an insurance carrier that is under contract with the Illinois State Board of Education to provide insurance pursuant to Section 2-3.124 of the School Code.

"Section 2-3.124 coverage" refers to the combination of the "civil liability insurance coverage" and the "criminal-related insurance coverage," as these terms are defined in this Part.

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"Supplemental insurer" has the meaning commonly associated with this term within the insurance industry.

Section 56.20 Coverage Subject to Appropriation EMERGENCY

Section 2-3.124 coverage shall be made available by the State Board of Education, as funds for this purpose are appropriated by the General Assembly. Assuming funds are appropriated, the premium for this coverage shall be paid by the State Board.

Section 56.30 Section 2-3.124 Carrier EMERGENCY

- a) Subject to the availability of funds, the State Board of Education shall, at least once every three years, issue a Request for Proposals ("RFP") to solicit bids from eligible insurance carriers to make available to certificated employees the insurance coverages specified in Section 2-3.124 of the School Code and this Part.
- b) The RFP shall identify information that bidders must include in their bids and shall require that bids be submitted to the State Board no later than the date specified in the RFP.
- c) If the State Board determines that the best interests of the State of Illinois would be served, the State Board may require that bidders submit proposals, or alternate proposals, calling for certificated employees to submit applications to accept Section 2-3.124 coverage.

In making this determination, the State Board shall consider the cost in terms of time and money associated with requiring, and not requiring, such application.

Section 56.40 Extent of Coverage Generally EMERGENCY

Coverage under Section 2-3.124 of the School Code shall consist solely of "civil liability insurance coverage" and "criminal-related insurance coverage," as these two terms are specified, limited and defined in this Part.

- a) With the exception of coverage for assault-related property damage, Section 2-3.124 coverage shall extend only to actions or non-actions, including negligence, committed by the certificated employee while actively engaged in his or her capacity as a certificated employee and while employed by an educational board.
- b) Section 2-3.124 coverage for assault-related property damage shall extend only to assaults upon the certificated employee while actively engaged in his or her capacity as a certificated employee and while employed by an educational board.
- c) Section 2-3.124 coverage, once established through a Section 2-3.124 carrier, shall extend through periods when school is not scheduled to be in session, including summers and other breaks, but only to the

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extent that a covered action or non-action was committed within the scope of employment with an educational board.

- d) Section 2-3.124 coverage shall not extend to any action or non-action, including negligence, committed during any period of time when the insured person would not have been within the scope of the "certificated employee" definition, as set forth in Section 56.10 of this Part.

1) A person shall not be considered a "certificated employee," as defined in this Part, until that person has actually begun to work for the educational board, regardless of the existence of a commitment to be hired in the future.

2) A certificated employee who has been given notice of lay-off, reduction in force or dismissal shall no longer be covered by Section 2-3.124 coverage after the effective date of such notice or, if no effective date is stated in the notice, after the last day of the school year of the educational board by which that person is employed.

- e) No Section 2-3.124 coverage shall apply to any certificated employee who has not accepted such coverage in accordance with terms of the insurance policy issued by the Section 2-3.124 carrier. If affirmative acceptance of coverage is required through application or other means, notice of that requirement shall be included with information published pursuant to Section 56.80 of this Part.

Section 56.50 Civil Liability Insurance Coverage**EMERGENCY**

- a) Civil liability insurance coverage shall extend only to the following civil liability claims and suits, including legal defense thereof:

- 1) civil rights damage claims and suits;
- 2) constitutional rights damage claims and suits;
- 3) death and bodily injury claims and suits; and
- 4) property damage claims and suits, including any civil claim or suit arising from assault-related property damage.

- b) Such civil liability insurance coverage shall not cover any categories of claims outside of those listed in subsection (a) of this Section and shall not extend to any injury or damage claims or suits that are not in the nature of tort.

- c) School boards are regarded as having a duty under Section 10-20.20 of the School Code [105 ILCS 5/10-20.20] to indemnify their employees, including certificated employees.

1) No Section 2-3.124 carrier, by virtue of any Section 2-3.124 coverage, shall have any obligation to insure the school board's duty to indemnify under Section 10-20.20 of the School Code.

2) The civil liability insurance coverage provided pursuant to Section 2-3.124 shall be regarded only as supplemental to the duty of indemnification under Section 10-20.20 of the School Code, and in no case shall the Section 2-3.124 carrier be

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regarded as other than a supplemental insurer with respect to those certificated employees employed by educational boards subject to Section 10-20.20 of the School Code.

- 3) Civil liability insurance coverage provided pursuant to Section 2-3.124 shall be supplemental to any insurance coverage provided pursuant to Section 10-22.3 of the School Code.

- d) If there exists any coverage or indemnification other than that provided pursuant to Section 2-3.124 of the School Code, whether or not such other coverage or indemnification is pursuant to Section 10-22.3 or 10-20.20 of the School Code, respectively, the Section 2-3.124 carrier shall be regarded only as a supplemental insurer.

Section 56.60 Criminal-Related Insurance Coverage**EMERGENCY**

- a) Criminal-related insurance coverage shall not cover any categories of claims outside of those listed specifically within the definition of "criminal-related insurance coverage" in Section 56.10 of this Part and shall not cover any fines levied by any court.

- b) Coverage for assault-related personal property damage does not apply to damage or destruction of a vehicle of any kind, or to damage to or destruction of property leased to, or owned or rented by, an educational board.

- c) Proof of an assault shall be a report of the incident to the appropriate law enforcement agency as soon as practicable.

- d) If there exists any coverage for the criminal acts or non-acts of, or upon, the certificated employee other than that provided pursuant to Section 2-3.124 of the School Code, the Section 2-3.124 carrier shall be regarded only as a supplemental insurer with respect to the criminal-related insurance coverage.

Section 56.70 Limits of Coverage and Recourse**EMERGENCY**

- a) Limits on civil liability insurance coverage shall not exceed an aggregate maximum of \$3,000,000 per single occurrence, subject to the following additional limitations:

1) For all civil liability claims other than those involving any civil rights issue or claim, the civil liability insurance coverage shall be limited to a maximum of \$1,000,000 per person suffering damages from the certificated employee's action or non-action.

2) For those civil liability claims involving any civil rights issue or claim, the civil liability insurance coverage shall be limited to a maximum of \$250,000 per occurrence per person whose civil rights were violated by the certificated employee's action or non-action.

- b) Limits on criminal-related insurance coverage provided pursuant to

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Section 2-3.124 shall be as follows:

- 1) Reimbursement of attorneys' fees for defense of a criminal proceeding shall be limited to a maximum of \$35,000.
 - A) All legal defense work in the certificated employee's behalf that relates to investigations, charges, motions, hearings, prehearings, trials, conferences, appeals and other actions or activity, and that stems from the same body of facts shall be regarded as one criminal proceeding.
 - B) \$5,000 maximum shall apply only to the sum total of fees of all attorneys who provide criminal defense legal services to the certificated employee, following that employee's arrest or service with a formal notice of a criminal charge against him or her. Attorneys' fees shall include only the fees for one or more attorneys who actually provide criminal defense legal work for the certificated employee. Expenses or fees for private investigative services or for expert witnesses shall not be covered or regarded as attorneys' fees.
- 2) Bail bond coverage shall be limited to a maximum of \$1,000 per criminal proceeding, as the term "criminal proceeding" is used in subsection (b)(1)(A) of this Section.
- 3) Coverage for assault-related personal property damage shall be limited to \$250 per incident.
- c) Nothing in this Part shall preclude any insurance carrier from offering other separate coverage to certificated employees that would have increased limits of coverage or additional coverage and for which the employee would pay a premium.
- d) There shall be no recourse against the State Board or the State of Illinois because of any action or non-action of, upon or against a certificated employee. Recourse shall be against parties including, but not necessarily limited to, those in the following list:
 - 1) the certificated employee;
 - 2) the educational board, if the educational board is subject to Section 10-20.20 of the School Code;
 - 3) any insurance carrier, company or broker providing coverage pursuant to Section 10-22.3 of the School Code;
 - 4) any insurance carrier, company or broker providing coverage applicable to the employee's action or non-action but not provided pursuant to any Section of the School Code;
 - 5) any other defendant; and
 - 6) any Section 2-3.124 carrier.

Section 56.80 Information about Insurance Coverage
EMERGENCY

- a) Once the State Board has contracted with a Section 2-3.124 carrier to make Section 2-3.124 coverage available, the State Board shall generally publicize the fact that such coverage is in place.
 - 1) Inclusion of the above-required publication in one or more

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general mailings or newsletters of the State Board to the educational boards contained in the State Board's mailing list(s) shall be regarded as satisfying this requirement of general publication. This publication may be included with other information or documents from the State Board.

- 2) An educational board that has received or been made aware of the publication referenced in subsection (a)(1) of this Section shall:
 - A) disseminate the information provided in this publication to all of its certificated employees and shall post the information in one or more locations where it is likely to remain and be seen by all of the educational board's certificated employees; and
 - B) inform certificated employees that requests for additional information about particulars of the insurance provided by the Section 2-3.124 carrier should be directed to the carrier and not to the certificated employee's employer or to the State Board of Education.
- b) If the Section 2-3.124 carrier makes available other additional coverage with increased limits of coverage that can be purchased by the certificated employee, the carrier shall inform the certificated employee that he or she is under no obligation to apply for or purchase any additional coverages or increased limits.

Section 56.90 Effective Date of Coverage
EMERGENCY

No Section 2-3.124 coverage shall be effective prior to the beginning of the 1998-99 school year, as defined in Section 56.10 of this Part, and in no instance shall the coverage be effective prior to 7 a.m., August 14, 1998.

Section 56.100 Relationship to Insurance Law and Regulation
EMERGENCY

Nothing in this Part is intended to be construed or implemented in violation of any applicable State or federal insurance law or regulation.

Section 56.110 Relationship to Policy Language
EMERGENCY

In the event of any conflict between this Part and any policy of insurance issued by any Section 2-3.124 carrier pursuant to Section 2-3.124 of the School Code, the language of this Part shall prevail to the extent permitted by Section 56.100 of this Part.

Section 56.120 Construction and Severability of Rules
EMERGENCY

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If any provision of this Part or application thereof to any entity, person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Part that can be given effect without the invalid provision or application, and to this end the provisions of this Part are declared to be severable.

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NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: School Technology Program
- 2) Code Citation: 23 Ill. Adm. Code 575
- 3) Section Numbers:

<u>Emergency Action:</u>
575.10 Amendment
575.100 New Section
575.200 New Section
575.300 New Section
575.400 New Section
575.500 New Section
575.600 New Section
575.700 New Section
- 4) Statutory Authority: 105 ILCS 5/2-3.117a
- 5) Effective Date of Amendments: May 22, 1998
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable.
- 7) Date Filed in Agency's Principal Office: May 22, 1998
- 8) Reason for Emergency: Enactment of P.A. 90-548 on December 4, 1997, established a new role for the State Board of Education with regard to creation of a revolving loan fund for school technology purposes. Starting with the 1998-1999 school year, the State Board is authorized to make loans available to school districts with certain grade levels (in year one of the program, kindergarten through grade 4; in year two, grades 5 through 8; and in year three, grades 9 through 12) to be used for "technology hardware investments for students and staff." Since it is the intent of the State Board of Education to distribute loan applications by June 1, 1998, and the rules will dictate how loan awards will be made, it is in the best interest of the public to proceed with emergency rulemaking.
- 9) A Complete Description of the Subjects and Issues Involved: The rulemaking defines eligible expenditures, sets a maximum amount per pupil in the eligible grade levels that can be requested by a school district, and provides for application procedures. The loan period each fiscal year will be from July 1 through March 1. No district, however, will be able to request more than \$6 million per year and districts will only receive approval for one loan per year.

All complete applications that demonstrate compliance with the law and rules will be approved for funding on a first come, first served basis, when there are sufficient funds available. Should amounts requested in the loan applications exceed the amount available in the fund, the

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NOTICE OF EMERGENCY AMENDMENTS
TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER O: MISCELLANEOUS
PART 575
SCHOOL TECHNOLOGY PROGRAM
SUBPART A: SCHOOL TECHNOLOGY GRANTS
EMERGENCY

Section
575.10 Purpose
EMERGENCY
575.20 Eligible Expenditures
575.30 Application Procedure and Content
575.40 Matching Requirements
575.50 Proposal Review and Approval
575.60 Terms of the Grant

SUBPART B: SCHOOL TECHNOLOGY REVOLVING LOAN PROGRAM
EMERGENCY

Section
575.100 Purpose
EMERGENCY
575.200 Use of Funds
EMERGENCY
575.300 Maximum Amount of Loan
EMERGENCY
575.400 Application Procedures
EMERGENCY
575.500 Review of Application and Notification of Loan Award
EMERGENCY
575.600 Repayment Procedures
EMERGENCY
575.700 Terms and Conditions of Loan Agreement
EMERGENCY

AUTHORITY: Implementing and authorized by Sections 2-3.117 and 2-3.117a of the School Code [105 ILCS 5/2-3.117 and 2-3.117a].

SOURCE: Adopted at 20 Ill. Reg. 3522, effective February 13, 1996; emergency amendment at 22 Ill. Reg. 1501, effective May 22, 1998, for a maximum of 150 days.

SUBPART A: SCHOOL TECHNOLOGY GRANTS

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equalized assessed valuation (EAV) per pupil by district type will be used to determine approval. The rules provide for otherwise eligible requests that were not funded due to a shortage of funds to be given priority consideration the next time those grade levels are to be eligible.

The rulemaking ensures that a district receiving a loan will use it in a timely way for the purposes stated in the application by requiring that the loan proceeds be obligated within six months after receipt. The rulemaking also stipulates repayment procedures and penalties in the case of late payments or default.

- 10) Are there any proposed amendments to this Part pending? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.
- 12) Information and questions regarding this adopted amendment shall be directed to:

Lugene Finley
Acting Associate Superintendent
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001
(217) 782-5439

The full text of the emergency amendments begins on the next page:

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panels, digital cameras, camcorders).

(Source: Added by emergency amendment at 22 Ill. Reg. 9591, effective May 22, 1998, for a maximum of 150 days)

Section 575.300 Maximum Amount of Loan
EMERGENCY

The maximum loan amount shall be calculated on a per-pupil basis, based upon the total enrollment in the eligible grade levels as reflected in the Fall Enrollment and Housing Report for the immediately preceding year. A school district may request a loan amount that does not exceed \$150 per pupil in the eligible grade levels plus a base amount of \$25,000; however, no single loan in a given fiscal year shall exceed \$6,000,000.

(Source: Added by emergency amendment at 22 Ill. Reg. 9591, effective May 22, 1998, for a maximum of 150 days)

Section 575.400 Application Procedures
EMERGENCY

a) The State Board of Education shall distribute application forms to all eligible school districts, as specified by Section 2-3.117a of the School Code, no later than June 1 for the following fiscal year. Applications will be due to the State Board of Education any time between July 1 and March 1 of the fiscal year in which loans will be made.

b) Each application for a loan shall include the following information:

- 1) A list of all applicable expenditure categories, as described in Section 575.200 of this Part, for which loan proceeds shall be used;
- 2) The amount of the loan requested, which shall not exceed the amount calculated pursuant to Section 575.300 of this Part;
- 3) A description of the proposed use(s) of the loan funds, as specified in the resolution adopted by the district's board of education authorizing submission of the loan application; and
- 4) Such assurances and certifications as the State Board of Education may require, to include at least the following:
 - A) that the loan proceeds shall be used in the grade levels specified on the application; and
 - B) that the district shall comply with Section 2-3.117a of the School Code, this Subpart and the loan agreement (see Section 575.700 of this Part).
- c) Each loan application shall bear an original signature of the district superintendent and shall be sent to the State Board of Education as specified on the application form within 30 calendar days following the local board of education's approval. Applications addressed other than as specified on the application form shall not be processed.

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Section 575.10 Purpose
EMERGENCY

This Subpart Part establishes the procedures and criteria for approval of applications for funding submitted by school districts pursuant to Section 2-3.117 of the School Code [105 ILCS 5/2-3.117] (~~see--P.A.--09-21--effective July 17-1995~~).

(Source: Amended by emergency amendment at 22 Ill. Reg. 9591, effective May 22, 1998, for a maximum of 150 days)

SUBPART B: SCHOOL TECHNOLOGY REVOLVING LOAN PROGRAM
EMERGENCY

Section 575.100 Purpose
EMERGENCY

This Subpart establishes the procedures and criteria for applications submitted by school districts pursuant to the School Technology Revolving Loan Program established by Section 2-3.117a of the School Code [105 ILCS 5/2-3.117a].

(Source: Added by emergency amendment at 22 Ill. Reg. 9591, effective May 22, 1998, for a maximum of 150 days)

Section 575.200 Use of Funds
EMERGENCY

Funding is available under the School Technology Revolving Loan Fund for technology hardware investments for students and staff (Section 2-3.117a of the School Code). These items include, but are not limited to:

- a) Expenditures for the establishment of local and wide area networks (e.g., cabling from network server to other areas, termination supplies, cable testers, patch panels) and for network hardware (e.g., switches, servers, hubs, modems, network adapter cards, transceivers, surge protection, uninterruptible power systems, network administration software);
- b) Supplies and the cost of labor for electrical work directly related to technology (e.g., wiring, conduit, boxes, receptacles, switches, cover plates, distribution panels and breakers);
- c) Hardware necessary for classroom instruction and staff development (e.g., computers, monitors, keyboards, mice, printers, network adapters, software and licenses for applications that are used in the classroom or for staff development purposes); and
- d) Other technology hardware investments directly related to classroom instruction or staff development (e.g., scanners, projectors, LCD

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- d) School districts are limited to one approved loan per fiscal year.

(Source: Added by emergency amendment at 22 Ill. Reg. 0591, effective May 22, 1998, for a maximum of 150 days)

Section 575.500 Review of Application and Notification of Loan AwardEMERGENCY

- a) Applications shall be reviewed for completeness. If an application is incomplete, then State Board of Education staff shall request the needed information from the applicant no later than 15 calendar days following receipt of the application. Applications will not be processed until all requested information is received.
- b) All complete applications that demonstrate compliance with Section 2-3.117a of the School Code and this Subpart shall be approved for funding on a first come, first served basis according to the specifications set forth in subsections (b)(1) and (b)(2) of this Section, as long as funds appropriated for a given fiscal year remain available.

1) Loan award determinations shall be made on September 15, December 15 and March 15 of each fiscal year.

2) Should the total amount of pending loan requests exceed the amount available in the School Technology Revolving Loan Fund at any point during the fiscal year, then applications from school districts with the lowest equalized assessed valuation per pupil by type of district shall be funded first.

A) Pending loan applications shall be grouped by district type (i.e., elementary, high school, unit) and then ranked by equalized assessed valuation per pupil.

B) The loan funds remaining shall be apportioned among district types by calculating the ratio of the total amount of loan requests for each district type to the total amount of all pending loan requests.

C) Equalized assessed valuation per pupil by district type shall be the determining factor for only those applications pending but not yet approved for funding.

c) Notification of a loan award shall be made no later than 15 days following the award determination dates established in subsection (b)(1) of this Section. Applications not funded on or before March 15 of the fiscal year in which the application was made shall expire.

d) Applications received after the March 1 deadline in a given fiscal year shall not be considered for funding in that fiscal year and shall be returned to the applicant.

e) Applicants otherwise eligible but not receiving loans due to insufficiency of the appropriation shall receive first consideration in the next fiscal year in which the grade levels specified on the application shall be eligible for funding.

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(Source: Added by emergency amendment at 22 Ill. Reg. 0591, effective May 22, 1998, for a maximum of 150 days)

Section 575.600 Repayment ProceduresEMERGENCY

- a) Loans shall be repaid within three years (Section 2-3.117a of the School Code).

1) The rate of interest shall be stipulated on the loan application and shall not be greater than 50% of the rate for the most recent date shown in the 20 C.O. Bonds Index of average municipal bond yields as published in the most recent edition of The Bond Buyer, published in New York, New York (Section 2-3.117a(a) of the School Code). Interest shall be compounded quarterly.

2) Payments on the loan (principal and interest) shall be made by check on a quarterly basis in 12 equal installments.

A) Loan payments shall be due on the last day of each quarter (i.e., December 31, March 31, June 30 and September 30), with the first payment under each loan due on the second due date following receipt of the loan.

B) Checks shall be made payable to the "ISBE-School Technology Revolving Loan Fund" and mailed to the Fiscal Services Division, Illinois State Board of Education, 100 North First Street, Springfield, Illinois 62777-0001.

C) Payments not received within 15 days after the due date shall be assessed a penalty of 5 percent of the payment due. A school district may prepay the balance due on the loan in its entirety on any scheduled payment date, provided that the district first contacts the State Board of Education to obtain the total amount of the principal and interest due at that time.

(Source: Added by emergency amendment at 22 Ill. Reg. 0591, effective May 22, 1998, for a maximum of 150 days)

Section 575.700 Terms and Conditions of Loan AgreementEMERGENCY

- a) Loan proceeds under this program shall be used exclusively for the purposes listed in Section 575.200 of this Part and shall be expended in accordance with the approved application and the applicant's policies and procedures related to such expenditures. Loan proceeds shall be obligated no later than six months following receipt of the loan.

b) Use of loan proceeds shall be accounted for in accordance with the Program Accounting Manual (23 Ill. Adm. Code 110).

c) Loan proceeds shall be included in the district's budget prepared under Section 17-1 of the School Code [105 ILCS 5/17-1].

d) In the event of default that is not cured within 90 days, the State

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Board of Education shall deduct the amount owed from the district's next payment of general state aid, and the district shall be ineligible for additional loans until good standing has been restored.

(Source: Added by emergency amendment at 22 Ill. Reg. **2591**, effective May 22, 1998, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY
STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING
CAPITAL DEVELOPMENT BOARD

Heading of the Part: Standards for Award of Grants: Elementary and Secondary Schools Capital Assistance Program

Code Citation: 71 Ill. Adm. Code 40

Section Numbers: 40.100 40.110
40.120 40.130
40.140

Date Originally Published in the Illinois Register: 3/13/98
22 Ill Reg 4534

At its meeting on May 19, 1998, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommended that, after CDB has the advantage of experience with the FY 99 cycle of school construction funding, CDB review its document entitled "List of Eligible School Construction Program Expenditures for Construction of New School Facilities" and promulgate as rules policies contained in that document pertaining to which school construction costs will be eligible for funding under this program.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

WITHDRAWAL OF SUSPENSION OF EMERGENCY RULEMAKING

DEPARTMENT OF PUBLIC HEALTH

Heading of the Part: Health Care Facility Plan Review Code

Code Citation: 77 Ill Adm Code 290

Section Numbers: 290.100 290.200
290.300 290.400
290.500 290.600
290.700 290.800
290.900

Date Originally Published in Illinois Register: 10/17/97
21 Ill Reg 13908

Date Suspension Published in Illinois Register: 12/1/97

Date Suspension Became Effective: 11/13/97

Date Suspension Withdrawn: 5/19/98

The Joint Committee on Administrative Rules hereby Certifies that, pursuant to Section 5-125 of the Illinois Administrative Procedure Act and 1 Ill. Adm. Code 230.600(c)(6), the Joint Committee, at its meeting on 5/19/98, has withdrawn the suspension of the Department's rulemaking entitled Health Care Facility Plan Review Code (77 Ill. Adm. Code 290; 21 Ill. Reg. 13908). The Committee originally issued this suspension at its 11/12/97 meeting.

Please take notice that the emergency rule now becomes effective for the remainder of the 150-day period for which it was originally adopted.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO
EMERGENCY RULEMAKING

TEACHERS' RETIREMENT SYSTEM

Heading of the Part: The Administration and Operation of the Teachers' Retirement System

Code Citation: 80 Ill Adm Code 1650

Section Numbers: 1650.380

Date Originally Published in the Illinois Register: 4/24/98
22 Ill Reg 7314

At its meeting on May 19, 1998, the Joint Committee on Administrative Rules objected to the emergency rules of the State Teacher's Retirement System entitled The Administration and Operation of the Teachers' Retirement System (80 Ill Adm Code 1650.380; 22 Ill. Reg. 7314) because the mortality tables and interest rates employed in computation of an "actuarial equivalent" are not stated in the rule, contrary to Section 16-122 of the Illinois Pension Code [40 ILCS 5/16-122] and Sections 1-70 and 5-10(c) of the IAPA [5 ILCS 100/1-70 and 5-10(c)].

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF CORRECTIONS TO NOTICE ONLY

- 1) Heading of the Part: Open Space Lands Acquisition and Development Grant Program
- 2) Code Citation: 17 Ill. Adm. Code 3025
- 3) The Notice of Proposed Amendments being corrected appeared at: 22 Ill. Reg. 8729, dated May 22, 1998
- 4) The information being corrected is as follows:

Statement of Statewide Policy Objectives: These amendments will place the grant regulations in the rule, eliminating a local government's need to look in the Federal Register for the rules affecting these grants.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF WITHDRAWAL OF EMERGENCY RULES IN RESPONSE TO AN
OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Health Care Facility Plan Review Code
- 2) Code Citation: 77 Ill. Adm. Code 290
- 3) Section Numbers:
290.100
290.200
290.300
290.400
290.500
290.600
290.700
290.800
290.900
- 4) Notice of Emergency Rules Published in the Illinois Register: October 17 1997; 21 Ill. Reg. 13908
- 5) JCAR Statement of Objection to Emergency Rules Published in the Illinois Register December 1, 1997; 21 Ill. Reg. 15293.
- 6) Date agency submitted this modification to JCAR for approval: May 1, 1998
- 7) Summary of Action Taken by the Agency: The Department agreed to withdraw its emergency rules entitled Health Care Facility Plan Review Code after the Joint Committee's withdrawal of its suspension against the filing of the emergency rules. The suspension and an objection to the rules were issued at the November 12, 1998 JCAR meeting. The Joint Committee voted to withdraw the suspension at its May 19, 1998 meeting and this withdrawal of emergency rulemaking fulfills the agreement between the Department and JCAR

The full text of the Section(s) of the emergency rules being withdrawn begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF WITHDRAWAL OF EMERGENCY RULES IN RESPONSE TO AN
OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 290

HEALTH CARE FACILITY PLAN REVIEW CODE

Section	Definitions
290.100	EMERGENCY
290.200	Applicability
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AUTHORITY: Implementing and authorized by Section 8 of the Ambulatory Treatment Center Act [210 ILCS 5/8], Section 3-202.5 of the Nursing Home Care Act [210 ILCS 45/3-202.5] and Section 8 of the Hospital Licensing Act [210 ILCS 85/8].

SOURCE: Emergency rules adopted at 21 Ill. Reg. 8903, effective October 1, 1997, for a maximum of 150 days.

Section 290.100 Definitions

EMERGENCY

The following definitions apply to terms used in this Part:

Addition - construction that adds square footage to a structure, such as construction of a wing, a floor, or a canopy.

Alteration - construction that includes but is not limited to changes or modifications of equipment; movement of walls; replacement of all or part of the fire alarm system, electrical system, nurse call

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system, sprinkler system, or heating, ventilation and air conditioning (hvac) system; demolition and rebuilding of a wing or part of a wing; installation of special locking arrangements; installation of a smoke detection system or smoke detectors; relocation or addition of sprinkler heads; installation or replacement of a nurses' station; changing a resident bedroom into a special care room; and installation or replacement of a bathing fixture.

Ambulatory surgical treatment center (ASTC) - a facility licensed by the Department in accordance with the Ambulatory Surgical Treatment Center Act [210 ILCS 5].

Applicant - an entity desiring to participate in the review program established by this Part.

Cosmetic Alterations - alterations that entail the replacement of existing finishes and minor alterations such as replacement of cabinet work, doors, and windows. The applicant need only submit a narrative, manufacturer's literature and cost figures, without the use of an architect.

Estimated project fee - the fee charged by the Department for review of the project specifications and drawings, in accordance with Section 290.500 of this Part.

Facility or health care occupancy - a hospital, long-term care facility or ASTC.

Hospital - a facility licensed by the Department in accordance with the Hospital Licensing Act [210 ILCS 85].

Long-term care facility - a facility licensed by the Department in accordance with the Nursing Home Care Act [210 ILCS 45].

Major construction - any construction project that adds beds, adds services, affects the structure (e.g., changes floors or beams, removes columns, adds structural bays, removes floors to add elevator or stair shafts), affects existing services, affects life safety, modifies existing operations (e.g., adds operating rooms or recovery bays, or changes recovery area to physical therapy), or has a direct impact on the patients'/residents' health (e.g., compromises fire alarms or water supply, requires the presence of construction workers in restricted areas).

Modernization - See Alteration.

Modification - See Alteration.

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Renovation - See Alteration.

Substantial compliance - meeting requirements except for minor deficiencies that will not affect the health, safety and welfare of the patients/residents.

Section 290.200 Applicability**EMERGENCY**

- a) The requirements of this Part shall apply to health care facilities licensed by the Department in accordance with the Ambulatory Surgical Treatment Center Act, the Hospital Licensing Act, and the Nursing Home Care Act.
- b) The requirements of this Part shall apply to the submission of all fees, drawings and specifications for the following projects involving major construction or with an estimated cost greater than \$5,000 (Section 8 of the Ambulatory Surgical Treatment Center Act, Section 3-202.5 of the Nursing Home Care Act, and Section 8 of the Hospital Licensing Act):
 - 1) New buildings or portions thereof used as health care occupancies;
 - 2) Additions made to, or used as, a health care occupancy;
 - 3) Alteration, modernization, or renovation of existing health care occupancies;
 - 4) Existing buildings or portions thereof upon change of occupancy to a health care occupancy.
- c) This Part shall apply only to drawings and specifications submitted to the Department on or after October 1, 1997. (Section 8 of the Ambulatory Surgical Treatment Center Act, Section 3-202.5 of the Nursing Home Care Act, and Section 8 of the Hospital Licensing Act)
- d) Department review of projects that constitute cosmetic alterations, routine maintenance, or immediate equipment replacement will be expedited. Immediate equipment replacement will be required when equipment failure threatens the health or safety of patients/residents.

Section 290.300 General Compliance Requirements**EMERGENCY**

- a) Drawings and specifications submitted to the Department for review and approval in accordance with this Part shall be developed in compliance with applicable licensure rules:

- 1) Hospital Licensing Requirements (77 Ill. Adm. Code 250)
- 2) Ambulatory Surgical Treatment Center Licensing Requirements (77 Ill. Adm. Code 205);
- 3) Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300);

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- 4) Sheltered Care Facilities Code (77 Ill. Adm. Code 330);
- 5) Illinois Veterans' Homes Code (77 Ill. Adm. Code 340);
- 6) Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350); or
- 7) Long Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390).

- b) Additions shall meet all requirements for new construction set forth in the applicable licensure rules, and shall be separated from any existing structure not meeting the requirements for new construction by a two-hour fire barrier, in accordance with the applicable licensure rules.
- c) Conversions from one type of health care occupancy to another or from one type of nursing function (e.g., pediatric care, orthopedic care, intensive care) to another shall be considered a change in occupancy and shall meet the requirements established for new construction under the applicable licensure rules.
- d) Renovations, alterations, and modernizations shall comply, to the extent practical, with the requirements for new construction contained under the applicable licensure rules. For example, compliance that would compromise life safety or impinge on meeting requirements in other areas, such as widening corridors that would result in smaller bedrooms, would be beyond the extent practical.
- e) In facilities licensed under more than one licensure code, each separately licensed portion of the facility shall be physically separated from the other licensed portions by a two-hour fire barrier, and shall meet the requirements for new construction in accordance with the applicable licensure rules.
- f) No system of water supply, plumbing, sewage, garbage or refuse disposal shall be installed, nor any such existing system materially altered or extended, until all fees, complete plans and specifications for the installation, alteration or extension have been submitted to the Department and have been reviewed and approved.

Section 290.400 Review and Approval of Specifications and Drawings**EMERGENCY**

- a) The Department shall approve or disapprove drawings and specifications submitted to the Department no later than 60 days following receipt by the Department. The drawings and specifications shall be of sufficient detail, as provided in this Part, to enable the Department to render a determination of compliance with design and construction standards as set forth in the applicable licensure rules. (Section 8 of the Ambulatory Surgical Treatment Center Act, Section 3-202.5 of the Nursing Home Care Act, and Section 8 of the Hospital Licensing Act) When the documentation submission and the fee submission have been found to be complete, the applicant will be notified, and the 60 day review period will commence.

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- b) If the Department finds that the drawings are not of sufficient detail for it to render a determination of compliance, the plans shall be determined to be incomplete and shall not be considered for purposes of initiating the 60 day review period. (Section 8 of the Ambulatory Surgical Treatment Center Act, Section 3-202.5 of the Nursing Home Care Act, and Section 8 of the Hospital Licensing Act) The Department shall return incomplete plans to the applicant with written comments. The Department shall deposit and hold the fee until the documentation or the adjusted fee has been submitted and approved.
- c) If the Department has not approved or disapproved the drawings and specifications within 60 days, the construction, major alteration, or addition shall be deemed approved. (Section 8 of the Ambulatory Surgical Treatment Center Act, Section 3-202.5 of the Nursing Home Care Act, and Section 8 of the Hospital Licensing Act)
- d) If the drawings and specifications are disapproved, the Department shall state in writing, with specificity, the reasons for the disapproval. (Section 8 of the Ambulatory Surgical Treatment Center Act, Section 3-202.5 of the Nursing Home Care Act, and Section 8 of the Hospital Licensing Act)
- e) The entity submitting the drawings and specifications may submit additional information in response to the written comments from the Department or request a reconsideration of the disapproval. A final decision of approval or disapproval shall be made within 45 days of the receipt of the additional information or reconsideration request. If the request is denied, the Department shall state the specific reasons for the denial. (Section 8 of the Ambulatory Surgical Treatment Center Act, Section 3-202.5 of the Nursing Home Care Act, and Section 8 of the Hospital Licensing Act)
- f) The Department shall treat every drawing submission as a project submission.
- g) The 60 day review period will commence upon determination of completeness of each drawing submission, and will be restarted each time an additional drawing is submitted for the project. No fee will be required for resubmission.

**Section 290.500 Fee Calculation and Submission
EMERGENCY**

- a) The Department shall charge the following fees in connection with its reviews conducted before June 30, 2000 under this part:
- 1) If the estimated dollar value of the alteration, addition, or new construction is \$5,000 or more but less than \$25,000, the fee shall be the greater of \$300 or 6% of that value.
 - 2) If the estimated dollar value of the alteration, addition, or new construction is \$25,000 or more but less than \$100,000, the fee shall be the greater of \$1,500 or 2.4% of that value.
 - 3) If the estimated dollar value of the alteration, addition, or new

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- construction is \$100,000 or more but less than \$500,000, the fee shall be the greater of \$2,400 or 1.2% of that value.
- 4) If the estimated dollar value of the alteration, addition, or new construction is \$500,000 or more but less than \$1,000,000, the fee shall be the greater of \$6,000 or 0.96% of that value.
 - 5) If the estimated dollar value of the alteration, addition, or new construction is \$1,000,000 or more but less than \$5,000,000, the fee shall be the greater of \$9,600 or 0.22% of that value.
 - 6) If the estimated dollar value of the alteration, addition, or new construction is \$5,000,000 or more, the fee shall be the greater of \$11,000 or 0.11% of that value, but shall not exceed \$40,000. (Section 8 of the Ambulatory Surgical Treatment Center Act, Section 3-202.5 of the Nursing Home Care Act, and Section 8 of the Hospital Licensing Act)
- b) The fee shall be calculated based on the total project cost established pursuant to subsection (e) or (f) of this Section.
- c) The fees provided in this Section shall not apply to major construction projects involving facility changes that are required by Department rule amendments. (Section 8 of the Ambulatory Surgical Treatment Center Act, Section 3-202.5 of the Nursing Home Care Act, and Section 8 of the Hospital Licensing Act)
- d) The Department shall not commence the facility plan review process under this Part until the applicable fee has been paid. (Section 8 of the Ambulatory Surgical Treatment Center Act, Section 3-202.5 of the Nursing Home Care Act, and Section 8 of the Hospital Licensing Act)
- e) For projects requiring a Certificate of Need in accordance with the Illinois Health Facilities Planning Act [20 ILCS 3906], the supporting financial and Certificate of Need Approval documentation shall be submitted with the estimated fee.
- f) For those projects under the established Certificate of Need threshold and deemed to be nonreviewable by the Health Facilities Planning Board, the following supporting documentation shall be submitted with the estimated fee:
- 1) Category of Service. A description of the services being added, the number of existing beds or existing services, the number of proposed beds or proposed services, and the change in the total number of beds or services.
 - 2) Square Foot Calculations. A description of the increase or decrease in area created by the project, including the number of floors and whether the project is an addition or new building, or renovation, alteration, or modernization of existing spaces.
 - 3) Estimated Project Costs. The estimated project costs are to be submitted, providing a cost figure under the following individual categories, and a total estimated project cost:
 - A) pre-planning costs,
 - B) site survey and soil investigation fees,
 - C) site preparation costs,

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- D) demolition costs,

E) off site work,

F) new construction contracts,

G) modernization contracts,

H) contingencies,

I) architectural/engineering fees,

J) consulting and other fees,

K) movable capital equipment not included in construction contracts,

L) bond issuance expenses,

M) net interest expense,

N) other capitalization costs, and

O) acquisition of building or other property excluding land.
- g) Project Fee Adjustment Based on Construction. At the completion of the project construction, and prior to the final inspection for licensure, a statement of 95 percent completion shall be submitted incorporating the final project cost figures, including all changes and additions to the contract as identified in subsection (f)(3) above. An adjustment to the project fee shall be made and paid in full prior to the final inspection for licensure purposes. This process shall be repeated if the final inspection reveals additional costs not covered by the adjusted fee.

h) Submission of Check. A cashier's check in the amount of the estimated fee calculated based on the estimated total project cost shall be submitted and made payable to the "Illinois Department of Public Health Facility Plan Review Fund," and shall have designated in the memo portion of the check whether it is for a long-term care facility, ambulatory surgical treatment center, or hospital.

i) Fee Adjustment. The fee shall be adjusted at the completion of the project, when all of the final project costs have been obtained.

1) If a reimbursement is necessary, a check shall be submitted by the Department to the licensed entity.

2) If additional fees are needed, they shall be submitted to the Department prior to the final licensure inspection and occupancy of the project.
- Section 290.600 Program Submission
EMERGENCY
- The following program items shall be submitted to the Department with the project cost analysis and estimated project fee.
- a) A functional program narrative and a systems program narrative, as follows:

1) A functional program narrative for the facility that describes the purpose of the project; the projected demand and utilization; staffing patterns for each unit; departmental relationships; space requirements; and other basic information relating to
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- fulfillment of the facility's objectives. The program narrative shall include a description of each function or service; the operational space required for each function; the quantity of staff or other occupants of the various spaces; the numbers (square feet), type and areas of all spaces; the special design features; the systems of operations; and the interrelationships of various functions and spaces. The functional program narrative shall include a description of those services necessary for the complete operation of the facility. Those services available elsewhere in the facility or community need not be duplicated. For hospitals, the functional program narrative shall also address the potential future expansion of essential services that may be needed to accommodate increased demand. The functional program narrative shall be available for use in the development of project design and construction documents.

2) A systems program narrative, where applicable, describing all special systems, including but not limited to fire alarms, nurse calls, special locking devices, and security packages.

b) Information identifying the following consultants where applicable:
- 1) Planner

1) Project Engineer

2) Architectural Firm

2) Project Architect

3) HVAC Firm

3) Project Engineer

4) Electrical Firm

4) Project Engineer

5) Contractor Information

5) Project Engineer

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Firm Name _____ Project Manager _____
 Contact Person _____ Registration No. _____
 Street Address _____ State _____ Zip Code _____
 City _____
 Telephone Number () - _____
 Fax Number () - _____

6) Local Code Official Information
 Municipality _____ Code Manager _____
 Reviewer Name _____ Discipline _____
 Street Address _____ State _____ Zip Code _____
 City _____
 Telephone Number () - _____
 Fax Number () - _____

c) The following documentation describing the project where applicable:

- 1) Name and address of facility;
- 2) Type of license;
- 3) Certificate of Need Number;
- 4) Brief project description including building, floor and wing, and type of unit;
- 5) Whether the project is new construction or an addition, alteration, modernization, or renovation;
- 6) Name of facility representative, phone number, and facsimile number;
- 7) Local building code used, and year;
- 8) Life Safety Code used, and year;
- 9) Number of stories;
- 10) Gross square feet per floor; and
- 11) Building height in feet.

d) A structural description, as follows, where applicable:

- 1) Local building code structural classification;
 - 2) National Fire Protection Association (NFPA) 220 structural classification;
 - 3) Roof assembly rating and Underwriters Laboratories (U.L.) number;
 - 4) Floor assembly rating and U.L. number;
 - 5) Beams assembly rating and U.L. number;
 - 6) Columns assembly rating and U.L. number;
 - 7) Girders assembly rating and U.L. number;
 - 8) Interior walls assembly rating and U.L. number; and
 - 9) Exterior walls assembly rating and U.L. number.
- e) Fire walls description where applicable:
- 1) One-hour fire rating U.L. assembly number;
 - 2) One-hour fire/smoke U.L. assembly number; and
 - 3) Two-hour fire rating U.L. assembly number.

f) Through wall/through floor penetration description where applicable:

- 1) Slab to curtain wall fire rating and U.L. design numbers;
- 2) Wall penetrations fire rating and U.L. design numbers; and
- 3) Floor penetrations fire rating and U.L. design numbers.

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g) Sprinkler system description where applicable:

- 1) Define if full, partial, or none;
- 2) Pounds per square inch (PSI) at end of line;
- 3) Fire pump capacity; and
- 4) Size of water main.

h) Fire alarm system/emergency power description where applicable:

- 1) Type, direct fire department connection, coded system, supervisory, remote station, proprietary protective;
 - 2) Type of emergency power, generating set, uninterrupted power source, alternative source; and
 - 3) Fuel storage capacity, gallons, hours of operation.
- i) Exits and exit components description where applicable:
- 1) Travel distances, maximum room/suite to corridor, maximum room/suite to exit;
 - 2) Maximum area of smoke barrier, maximum dimension;
 - 3) Number of stairs, enclosure rating, discharge to the outside, discharge through building;
 - 4) Corridor widths; and
 - 5) Door widths.

Section 290.700 Drawing Submission

EMERGENCY

- a) When drawings are required, all drawing submissions shall be prepared under the direct supervision of an architect licensed in Illinois. The signature and seal shall be affixed to the plans and specifications.
- b) Code analysis drawing submission. A set of small scale plans identifying the following shall be submitted with every drawings submission:
- 1) Fire and smoke compartmentation;
 - 2) All means of egress;
 - 3) Fire-rated walls;
 - 4) Travel distances from room to corridor door and from door to exit;
 - 5) Smoke barrier doors and dimensions;
 - 6) Standpipe locations;
 - 7) Fire extinguishers; and
 - 8) Exit lights.
- c) Design development drawings shall be prepared under the direct supervision of an architect licensed in Illinois and shall include the following where applicable:
- 1) A code analysis and project description work sheet;
 - 2) Civil engineering plans, fully dimensioned to scale, providing existing grades, proposed improvements, site drainage, utilities, fire loops, parking layouts, and building siting including adjacent buildings;

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- 3) Life safety drawings - updated small scale, dimensioned, code analysis drawings;
 - 4) Architectural and structural drawings indicating in detail the following and drawn at a scale sufficiently large to present the proposed design clearly:
 - A) Floor plans of each floor indicating the assignment of all spaces and the size of areas and rooms; and indicating in outline the fixed and movable equipment and furniture and proper clearances, columns and beam locations, bay spacing, windows, doors, and openings, corridor widths, smoke and fire barriers, stairs, elevators, and open spaces. All rooms shall be clearly identified in the plans as to the function they serve. Room schedules are not permitted;
 - B) Exterior elevations, interior elevations, full building and partial building sections and details;
 - C) Room finish schedules, door and window schedules;
 - D) All adjacent areas clearly labeled if an addition, alteration, modification, or renovation; and
 - E) Fire and separation drawings;
 - 5) Outline specifications providing a general description of the construction including finishes; acoustical materials, and their extent and type; heating and ventilating systems; and the type of elevators;
 - 6) Total floor area and bed counts;
 - 7) Single line diagram electrical, mechanical, plumbing, fire alarm, compressed gasses, and medical gasses design schematics with calculations including cubic feet per minute (CFM) and air changes; and
 - 8) Construction phasing plans and demolition plans.
- d) Working drawings and specifications shall be prepared under the direct supervision of an architect licensed in Illinois and shall include the following where applicable:
- 1) All working drawings shall be accurately dimensioned and include all necessary explanatory notes, schedules and legends.
 - 2) Working drawings shall be complete and accurate for contract purposes.
 - 3) Separate drawings and specifications shall be prepared for architectural, structural, mechanical, and electrical branches of work, and shall contain the following elements:
 - A) Architectural drawings:
 - i) A site plan showing all new topography, newly established levels and grades, existing structures on the site (if any), new buildings and structures, roadways, walks, and the extent of the areas to be landscaped. All structures and improvements that are to be removed under the construction contract shall be shown;

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- ii) Plan of each floor and roof;
 - iii) Elevations of each facade;
 - iv) Sections throughout the building;
 - v) Drawings of elevators and dumbwaiters, delineating shaft details and dimensions, sizes of cab platforms and doors, travel distances including elevation height of landings, pit sizes, location of sprinklers, and machine rooms;
 - vi) Kitchens, laundry, laboratories, special care areas, and similar areas shall be detailed at a scale to show the location, type, size and connection of all fixed and movable equipment;
 - vii) Scale details as necessary; scale details to 1 1/2 inches to the foot may be necessary to indicate portions of the work properly;
 - viii) Details of through wall penetrations, through floor penetrations, and slab to curtain wall details and U.L. design numbers; and
 - ix) Schedule of finishes, doors and windows.
- B) Structural drawings shall be prepared by a licensed structural engineer and shall contain the following:
- i) Plans of foundations, floors, roofs and all intermediate levels, showing a complete design with sizes, section, and the relative location of the various members. Schedule of beams, girders, and columns;
 - ii) U.L. design numbers and details for fire proofing of structural members, including the hourly rating specified for the fire proofing;
 - iii) Floor levels, column centers, and off-sets, dimensioned;
 - iv) Special openings and pipe sleeves, dimensioned or otherwise noted for easy reference;
 - v) Details of all special connections, assemblies and expansion joints;
 - vi) Notes on design data, including the name of the governing building code, values of allowable unit stresses, assumed live loads, wind loads, earthquake load, and soil-bearing pressures; and
 - vii) For special structures, a stress sheet, incorporated in the drawings, showing the outline of the structure, all load assumptions used, stresses and bending moments separately for each kind of loading, maximum stress and or bending moment for which each member is designed, horizontal and vertical reactions at column bases.
- C) Heating, cooling, and ventilation drawings shall be prepared

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by a licensed professional engineer and shall contain the following:

- i) Radiators, coils and steam-heated equipment such as sterilizers, warmers and steam tables;
- ii) Heating and steam mains and branches with pipe sizes;
- iii) Diagram of heating and steam risers with pipe sizes;
- iv) Sizes, types and heating surfaces of boilers, furnaces with stokers and oil burners, if any;
- v) Pumps, tanks, boiler breaching and piping and boiler room accessories;
- vi) Air conditioning systems with required equipment, water and refrigerant piping, and ducts;
- vii) Supply and exhaust ventilating systems with connections and piping;
- viii) Air quantities for all room supply and exhaust ventilating duct openings, and their calculations;
- ix) Identification of all filter beds and their percentage filtration, including remote indicators;
- x) Identification of all smoke and fire dampers, installation details, and collars; and
- xi) Identification of the hanging methodology for large ducts and air handling systems (sheet metal strap hangers are not allowed in large size ducting systems).

D) Drawings for plumbing, drainage, standpipe and sprinkler systems shall be prepared under the supervision of a licensed professional engineer (P.E.) and shall include the following:

- i) Site work including water mains, sewer mains, gas mains, fire protection loops and hydrants. Size and elevation of street sewers, house sewers, house drains, street water main and water service into the building;
- ii) Location and size of soil, waste, and vent stacks, with connections to house drains, clean-outs, fixtures and equipment;
- iii) Location and size of standpipes, siamese connections, sprinkler risers, sprinkler heads and special systems, back-flow preventors, inspectors tests, main drains, end of the line tests, and fire pumps, including the hydraulic calculations;
- iv) Size and location of hot, cold and circulating mains, branches, and risers from the service entrance, and tanks;
- v) Riser diagrams of all plumbing stacks with vents, water risers and fixture connections;
- vi) Gas, oxygen, vacuum, scavenger, and similar piped

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systems including pressure calculation, gas farm designs, manifold locations and protection, terminal points, and number of outlets per station; and

- vii) All fixtures and equipment that require water and drain connections.

E) Electrical drawings shall be prepared under the direction of a licensed P.E. and shall include the following:

- i) All electrical wiring, outlets, and equipment that require electrical connections;
- ii) Electrical service entrance with switches and feeders to the public service feeders, characteristics of the light and power current, transformers and their connections if located in the building;
- iii) Location of main switchboard, power panels, light panels, and equipment; feeder and conduit sizes shown with schedule of feeder breakers or switches;
- iv) Light outlets, receptacles, switches, power outlets, and circuits;
- v) Telephone layout showing service entrance, telephone switchboard, strip boxes, telephone outlets and branch conduits as approved by the telephone company. Where public telephones are used for intercommunication, separate room and conduits for racks and automatic switching equipment shall be provided as required by the telephone company;
- vi) Nurse call systems with outlets for beds, duty stations, corridor signal lights, annunciators, wiring diagrams, and a narrative description of systems;
- vii) Doctor call and doctor in-and-out systems with all equipment wiring, if provided, and a narrative description of systems;
- viii) Fire alarm system with stations, signal devices, control board and wiring diagrams, and a narrative description of systems;
- ix) Emergency electrical system with outlets, transfer switches, source of supply, feeders, fuel supplies, generators, and circuits, and a narrative description of systems;
- x) All other electrically operated systems and equipment; and
- xi) All design calculations for emergency and non-emergency systems.

F) Specifications shall be submitted with every working drawings submission, shall supplement the drawings, and shall include the following:

- i) A complete description of the materials, workmanship, kind, sizes, capacities, finishes, and other

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characteristics of all materials, products, articles and devices;

- ii) A cover or title sheet;
- iii) An index;
- iv) An invitation for bids;
- v) General conditions;
- vi) General requirements;
- vii) Sections describing material and workmanship in detail for each class of work; and
- viii) A bid form.

e) The following additional information shall be submitted for additions, modifications and modernization/renovation of existing structures:

- 1) Type of activities within the existing building and distribution of existing beds;
- 2) Type of construction of existing building and number of stories in height;
- 3) Plans and details showing attachment of the addition, modification or renovation to the existing structure;
- 4) Plans and details showing how the addition, modification or renovation affects the existing structure;
- 5) A copy of the construction phasing schedule, including the maintenance of exit routes, fire alarm systems, and fire protection systems;
- 6) A copy of the interim safety measures, including compliance with Life Safety Code requirements under the applicable licensure rules; and
- 7) Mechanical and electrical systems tying into existing systems.

**Section 290.800 Interim Inspection
EMERGENCY**

The Department shall conduct interim on-site review of large or complex construction projects. (Section 8 of the Ambulatory Surgical Treatment Center Act, Section 3-202.5 of the Nursing Home Care Act, and Section 8 of the Hospital Licensing Act)

- a) Inspection of construction projects that are not completed will be conducted if sections of the project are scheduled for occupancy prior to completion of the entire project or major components such as mechanical and electrical systems need to be inspected prior to the enclosure of the system by scheduled finishes.
- b) Mechanical and electrical inspections may occur prior to the final inspection based on the availability of the Department engineers and the complexity of the project. Mechanical and electrical inspections shall be prearranged at the start of the construction sequence.

**Section 290.900 Final Inspection
EMERGENCY**

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- a) *The Department shall conduct an on-site inspection of the completed project no later than 30 days after notification from the applicant that the project has been completed and after all certifications required by the Department have been received and accepted by the Department in accordance with subsection (d) of this Section. (Section 8 of the Ambulatory Surgical Treatment Center Act, Section 3-202.5 of the Nursing Home Care Act, and Section 8 of the Hospital Licensing Act)*
- b) *The Department shall provide written approval for occupancy to the applicant within 5 working days of the Department's final inspection, provided the applicant has demonstrated substantial compliance with this Part and the applicable licensure rules. Occupancy of new major construction is prohibited until Department approval is received. (Section 8 of the Ambulatory Surgical Treatment Center Act, Section 3-202.5 of the Nursing Home Care Act, and Section 8 of the Hospital Licensing Act)*
- c) *If the plans and drawings are deemed approved pursuant to Section 290.400(c) of this Part, occupancy shall be allowed after any required health inspection by the Department has been conducted. (Section 8 of the Ambulatory Surgical Treatment Center Act, Section 3-202.5 of the Nursing Home Care Act, and Section 8 of the Hospital Licensing Act)*
- d) *The following pre-occupancy certifications shall be submitted to the Department prior to the scheduling of the final inspection of the project where applicable:*
 - 1) *A copy of the architect's authorization for 95 percent payment of all construction contracts, unless contingencies in the contracts have not been met.*
 - 2) *Certification by an independent testing laboratory of the flame spread rating; documentation by the installer of the location of all interior finishes, including walls, ceiling, drapes, and cubicle curtains. No cut sheets are to be submitted with the initial package.*
 - 3) *Copies of the Underwriters Laboratories Assembly Ratings for roofs, floors, columns, beams, and bearing walls, and certification by the installer that the components have been installed in accordance with the assembly ratings.*
 - 4) *Copies of the Underwriters Laboratories through penetrations and fire stop systems, and certification by the installer that the through walls and fire stop systems have been installed in accordance with the manufacturer's specifications.*
 - 5) *Certification by the installer that all fire alarm pull stations, all smoke and heat detectors, doors that are held open mechanically, all smoke and fire dampers, all exit lights and emergency lighting including outside lights have been checked and are installed in accordance with the applicable licensure rules.*
 - 6) *Certification by the installer that the elevator recall system is installed and operates in accordance with the applicable*

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- licensure rules.
- 7) Certification by the installer that the nurse call system has been checked and is in proper operation.
- 8) A copy of the fire protection plan developed by the facility, which has been made available to all supervisory personnel to assure the protection of all persons in the event of fire and to assure their evacuation to areas of refuge.
- 9) A copy of the evacuation plans, and certification by the facility of the posting of the plans in prominent locations on all floors.
- 10) Certification by the facility of the training and familiarization of the staff with the fire protection plan and evacuation plans.
- 11) Documentation by the installer that the sprinkler system has been completely flushed and checked for the purpose of determining compliance with the applicable licensure rules.
- 12) Documentation by the installer that other fire extinguishment systems have been tested and checked for the purpose of determining compliance with the applicable licensure rules.
- 13) Verification by the installer that all fire extinguishers have been checked and that the inspection tags are dated and attached to each extinguisher.
- 14) A copy of the facility's regulations to control smoking, and verification of the posting of signs in prominent locations throughout the building by the facility.
- 15) Documentation by the installer that the waste baskets are noncombustible with certification by an independent testing laboratory.
- 16) Certification by the installer that the air conditioning and ventilation system is installed in accordance with the applicable licensure rules.
- 17) Certification by the installer that the air conditioning and ventilation system has been balanced and operates in accordance with the plans and specifications, including a copy of the final air balancing report.
- 18) Certification by the installer that the smoke control system (if installed) has been tested and operates as designed.
- 19) Certification by the installer that the range hood and duct systems are installed and operate in accordance with the applicable licensure rules.
- 20) Certification by the installer that the non-flammable medical gas system has been installed in accordance with the applicable licensure rules, including all testing and certification documentation as to type, quality and quantity of medical gas at each outlet. Verification that zone control valves have been labeled indicating rooms served.
- 21) Certification by the installer that the medical-surgical systems have been installed in accordance with applicable licensure rules.

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- 22) For hospitals, a copy of the facility Governing Board's resolution stating that only nonflammable medical gases will be used in all operating rooms, delivery rooms and other anesthetizing locations.
- 23) Certification of the architect's inspection and verification of the required ratings for:
- A) building construction type
 - i) doors
 - ii) vertical shafts
 - iii) corridor walls
 - B) hazardous area walls
 - i) ceiling-roof assembly
 - ii) ceiling-floor assembly
 - iii) smoke and fire walls.
- 24) A copy of the list of uncompleted items from the architect's and engineer's punch list.
- 25) Certification from the architects, engineers, and contractors that they have reviewed all of the above certifications and have verified them by inspection.
- 26) Certification by the installer that the emergency generator has been installed to meet the applicable licensure rules. The generator must be operational for the inspection.
- 27) Certification by the electrical systems installer(s) that the electrical system(s) have been installed and all electrical work has been performed in accordance with applicable licensure rules.
- e) If a final inspection of a facility occurs based on acceptance of the pre-occupancy certifications submitted in accordance with subsection (d) of this Section, and the facility is found not to be ready for occupancy, the Department will return to complete the inspection no earlier than 30 days after the date of the original inspection.
- f) An inspection will not occur unless the adjusted project fee process has been concluded and all outstanding fee issues have been resolved.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of May 19, 1998 through May 25, 1998 and have been scheduled for review by the Committee at its June 16, 1998 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
7/4/98	Department of Public Aid, Hospital Services (89 Ill Adm Code 148)	4/3/98 22 Ill Reg 6061	6/16/98
7/5/98	Pollution Control Board, Management of Used and Waste Tires (35 Ill Adm Code 848)	2/27/98 22 Ill Reg 4240	6/16/98
7/5/98	Pollution Control Board, Procedural Requirements for Permitted Landfills (35 Ill Adm Code 813)	2/27/98 22 Ill Reg 4247	6/16/98
7/5/98	Pollution Control Board, Standards for New Solid Waste Landfills (35 Ill Adm Code 811)	2/27/98 22 Ill Reg 4255	6/16/98
7/5/98	Department of Professional Regulation, Illinois Dental Practice Act (68 Ill Adm Code 1220)	8/8/97 21 Ill Reg 10889	6/16/98

Rules acted upon during the quarter of April 1 through June 30, 1998 (Issues 1-13) are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-40. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jntale@ccgate.sos.state.il.us (Internet address).

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GEORGE H. RYAN
SECRETARY OF STATE
INDEX DEPARTMENT
111 E. MONROE
SPRINGFIELD, IL 62756

